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U.S. Congress. House.

To amend and modify the
War Risk Insurance Act

Washington, D.C.

1923

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TO AMEND AND MODIFY THE WAR RISK
INSURANCE ACT.

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HEARINGS

BEFORE

THE COMMITTEE ON
INTERSTATE AND FOREIGN COMMERCE
HOUSE OF REPRESENTATIVES

SIXTY-SEVENTH CONGRESS

FOURTH SESSION

ON

H. R. 14003

JANUARY 26, 27, 30, AND 31;
FEBRUARY 1, 2, 9, AND 13, 1923



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COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE.

HOUSE OF REPRESENTATIVES.

SIXTY-SEVENTH CONGRESS, FOURTH SESSION.

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III

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TO AMEND AND MODIFY THE WAR RISK INSURANCE ACT.

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE,
HOUSE OF REPRESENTATIVES,
Friday, January 26, 1923.

The committee met at 10 o'clock a. m., Hon. Samuel E. Winslow (chairman) presiding.

The CHAIRMAN. We have before us as the principal business of the day H. R. 14003, which is commonly called the Veterans' Bureau bill. Colonel Tilson, we understand that there are embodied in the provisions of this bill two or more points that were represented by separate bills which you yourself introduced, and it seemed best to the framer of the bill—and I can speak for him to this extent—to embody those provisions in a bill of this nature in order that we might have a kind of omnibus bill. Will you kindly address yourself to your own propositions and as much, after that, to the whole bill as you desire?

STATEMENT OF HON. JOHN Q. TILSON, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CONNECTICUT.

Mr. TILSON. Mr. Chairman, I entirely approve of the action of Mr. Sweet in combining all these various amendments in one general bill. Therefore I appear in behalf of H. R. 14003.

I think it is generally accepted that the law which we are here seeking to amend has worked out admirably. However, in the working out of any law, especially in a more or less untried field, there is sure to develop weak spots that can be improved or strengthened or hardships that can be removed.

In the case of the amendments proposed in the bill offered by me the purpose was to remove what is really a hardship and something which I believe was not in the minds of this committee or of Congress when the bill was passed.

Mr. HUDDLESTON. May I ask in what part of the bill your idea is embraced?

Mr. TILSON. The first place it appears is on page 1 of the bill, under "section 29," and the language "of which he has been found guilty by a general court-martial" is the gist of the amendment in that paragraph.

Mr. HUDDLESTON. Is that on page 1 or 2?

Mr. TILSON. On page 1 of H. R. 14003, beginning at the end of line 9 and including all of line 10.

There has been no difficulty in regard to the Army. It is only with cases arising from service in the Navy that this hardship has arisen. In the Army there are only two kinds of discharges—a dishonorable discharge, which can only be given after a general court-martial, and an honorable discharge—so no trouble has arisen there. But in the Navy they give what are called "bad conduct" discharges—that is, when a man is discharged because he is undesirable, without any trial whatsoever. It has been held that under the language of the act a man so discharged is cut off from the benefits of the law.

I have in my office two instances, quite recent, where this has affected two men and entailed a good deal of hardship. One was a case where a man was discharged from the Navy by sentence of a summary court and given what is called a "bad conduct" discharge because he overstayed his leave. He became afflicted with tuberculosis and applied for compensation. Before they looked up his service record they had rated him as a case of total disability. Then they discovered that although the tuberculosis had come from his service and he had been rated totally disabled, nevertheless he could not receive anything on account of the fact that he had a bad-conduct discharge for overstaying his leave.

Mr. GRAHAM. Are all military offenses of all grades tried by a general court-martial? Mr. TILSON. No; minor infractions of military discipline are handled by a summary court which means, as the gentleman knows, a single officer. Having served in that capacity myself in many, many cases, I know what that means, and I am quite sure that I should not wish to have a dishonorable discharge granted a man on account of trial by a court of that kind.

Mr. GRAHAM. The new language here seems to be:

"Guilty of mutiny, treason, spying, or any offense involving moral turpitude or willful and persistent misconduct, of which he has been found guilty by a general court-martial."

I was wondering whether, for instance, the offense of being absent without leave would be passed upon by a general court-martial.

Mr. TILSON. No, sir, I do not believe that it would; although I am not familiar with the rules of the Navy.

Mr. GRAHAM. Is not the language which I have just quoted, found in lines 8 to 11, inclusive, of the first page, the only new matter which might cover the case you speak of, beginning with "guilty of mutiny, treason, and so on" and ending with "by a general court-martial," and that applies only to a general court-martial, and how would you get at these petty offenses of which you speak where the military authorities have granted a bad-conduct discharge under that section.

Mr. TILSON. That is just the point of my bill, that those cases should not prevent a man who had incurred total disability in the service from receiving the benefits of the law.

Mr. GRAHAM. Ought we not to broaden the language a little bit in that connection?

Mr. TILSON. Perhaps you should. I have not compared my own bill with the language of the more comprehensive bill introduced by the gentleman from Iowa, and therefore can not say as to that, but I wish to have the language sufficiently broadened to accomplish the purpose, because it seems to me that Congress does not wish to say that because a man has overstayed his leave or is found inept for service in the Navy, although he may have suffered total disability, that he should be deprived of any benefit under the law. I do not believe that we wish to do that, and both of the cases which I have here, and which have come into my office within the past month, are cases of that character. If I have two of them in so short a time there must be many others from other parts of the United States.

Now, gentlemen, this is the substance of what I have to say.

Mr. HUDDLESTON. As I recall the practice, there is no such thing as a dishonorable discharge from the Army except by a general court-martial.

Mr. TILSON. That is as I understand it, Mr. Huddleston.

Mr. HUDDLESTON. And in the Navy there are three or four kinds of discharges, almost any one of which may be granted by the commanding officer in certain situations.

Mr. TILSON. Yes; that is the situation. One officer may, in a summary manner, give a man a "bad conduct" discharge which would deprive him of any benefits under the law.

Mr. GRAHAM. What would be a brief way of designating such an action—a summary court, is that what you call it?

Mr. TILSON. A summary court is what it is called in the Army.

Mr. HUDDLESTON. They call it that in the Navy also.

Mr. TILSON. I am not so familiar with Navy terms.

Mr. SWEET. I may suggest, Mr. TILSON, the original section 29 reads as follows:

"The discharge or dismissal of any person from the military or naval forces on the ground that he is an enemy alien, conscientious objector, or a deserter, or is guilty of mutiny, treason, spying, or any offense involving moral turpitude or willful and persistent misconduct."

Now, the general court-martial does not apply to all those things and so we have in the wording of this section worded it analogous to your bill, and say, "the discharge or dismissal of any person from the military or naval forces on the ground that he is guilty of mutiny, treason, spying, or any offense involving moral turpitude or willful and persistent misconduct, of which he has been found guilty by general court-martial," and then we say, putting it in the same language as the law now is, "or that he is an enemy alien, conscientious objector, or a deserter, shall terminate any insurance granted on the life of such person," etc.

I think that explains to you the manner of the wording of the bill and is in accord with what you have suggested and is what I understand to be in accordance with the plan that has been worked out.

Mr. TILSON. I feel, gentlemen, that I only need call the attention of this great committee to the difficulty to have it remedied. I am sure that it will be worked out and the proper remedy applied.

I thank the members of the committee for their attention and courtesy.

STATEMENT OF HON. WALTER L. LINEBERGER, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA.

The CHAIRMAN. Mr. Lineberger, will you address the committee in respect of any views you have on this bill, or any portions of it, or upon anything not in the bill.

Mr. LINEBERGER. Gentlemen of the committee, I have no general observations or particular observations for that matter to make on the bill because I have not read it as yet. There is a matter, however, in which I am very much interested and that is this:

As the committee well knows there are many men who are rated temporarily totally disabled who draw, I believe, \$80 a month, and who are required during that period of temporary total disability to continue the payments on their insurance.

The point I desire to make before the committee is that during that time of temporary total disability a man is just as much disabled for the time being, or for the time he is drawing this \$80 a month, as the man who has been rated as permanently and totally disabled. So I have formulated here a suggestion which I desire to offer to this committee. I will read it and will be glad to answer any questions or to elaborate on it if the committee shall so desire.

"That persons who have been rated as temporarily and totally disabled for 12 months or more shall be exempted from further payment of premiums on their insurance until such time as they are rated at less than totally disabled: *Provided, however,* That in such event resumption of payment of monthly premiums becomes due within 30 days from the date on which the rating of less than 100 per cent became effective."

The reason for that will undoubtedly be obvious to the committee—"and at the date which would have been due had the insured been paying said premiums in the interval."

That is simply to give a sufficient lapse of time for the man to meet these payments should he at any time be rated less than total temporary disabled. You would want a reasonable interval in there in which he might make the payments in order that he might avoid any penalties in the way of having his insurance lapse.

Provided, further, That no premiums so exempted shall be collectible or deducted from compensation at any time.

"Nothing in this section shall be construed as operating against the payment of insurance in the event that the insured is eventually rated permanently and totally disabled, or at death."

Now, the reason I put in 12 months there instead of 1 month or 2 months or 3 months is because I desire to offer a suggestion which is a practicable one and a just one. I realize that a man might be rated temporarily totally disabled for a period of two or three months during which time he might be hospitalized, but I believe if that period of temporary total disability shall run for as long a period as a year, that there is every reason to presume that the man's condition is bordering on total permanent disability rather than temporary total disability, and a period of 12 months would certainly be a sufficient tie within which to determine those facts. Now, any insured man who is temporarily totally disabled and living outside of a hospital needs every cent of \$80 given him for his support. There is not any question about that.

We all know that it is impossible for a man to maintain himself on \$80 a month, and, again, referring to the point which I made a few moments ago, that if a man is temporarily totally disabled, he is as much disabled during the time in which he is receiving this \$80 a month so far as doing anything to support himself and family is concerned, as though he were totally and permanently disabled, and therefore he needs just as much money and his family requirements and personal requirements are just as great; and if he is in the hospital, he needs it for his family. I want to make that point plain. If he is outside of the hospital he needs every dollar of that money for his support, and if he is in the hospital after this period of 12 months has elapsed he certainly needs it for his family.

As a workable problem when a man is rated total temporary, the claims division should send notice to the insurance division which makes note of said date on insurance premium card. At the end of 12 months insurance division should return further premiums forwarded unless notified by claims division that total temporary rating has been reduced. Claims division should notify insurance division of all changes in total temporary ratings, so that premiums could be checked and properly charged or exempted.

Of course, those are suggestions rather along administrative rather than legislative lines. I do not know whether they would be pertinent to the hearing here or not.

Mr. MAPES. As I understood the reading of your proposal, it provides that the insurance premiums should be paid again within 30 days after the new rating takes effect.

Mr. LINEBERGER. Yes; that is, after 12 months have elapsed.

Mr. MAPES. It is not sometimes more than 30 days before the veteran knows of the new rating.

Mr. LINEBERGER. That is possible, but I wanted to restrict it to a reasonable length of time. It might be desirable to extend that.

Mr. MAPES. Should it not be from the time the veteran receives notice of the new rating.

Mr. LINEBERGER. Yes; I think that would be even more desirable, Mr. Mapes. Of course, there ought to be some maximum time because it might not be possible for the veteran to receive it at all. Sometimes these addresses are lost and I think there ought to be a reasonable, maximum limit, providing a period of not more than two or three months should have expired. There would have to be some limitation in the interest of the Government; otherwise it would confuse things and mess up the machinery of administration.

Mr. MAPES. I suppose they are extreme cases, but there are cases where it is quite a long time before the veteran receives notice that he has a new rating.

Mr. LINEBERGER. Yes; I should say so.

Mr. MAPES. And he should not be foreclosed because of his failure to know the facts.

Mr. LINEBERGER. I agree with the gentleman's suggestion.

Mr. GRAHAM. Mr. Chairman, can we not have that amendment read again? Will you read it again, Mr. Lineberger?

Mr. LINEBERGER (reading). "That persons who have been rated as temporarily and totally disabled for 12 months or more shall be exempted from further payments of premiums on their insurance until such time as they are rated at less than totally disabled: *Provided, however*, That in such event resumption of payment of monthly premiums becomes due within 30 days from the date on which the rating of less than 100 per cent became effective."

I believe that is where you offered your suggestion, Mr. Mapes.

Mr. MAPES. Yes.

Mr. LINEBERGER. "And at the rate which would have been due had the insured been paying said premiums in the interval. *Provided, further*, That no premiums so exempted shall be collectible or deducted from compensation at any time."

I put that in so that in case the man does not make the payment he suffers the forfeiture of his insurance, but I do not think these amounts ought to be deducted from his compensation. Lots of times men think they are going to get a certain amount and when these deductions are made they only get about half that amount.

Mr. GRAHAM. Do you mean that to be a general rule that in no case shall deductions be made?

Mr. LINEBERGER. Yes; I think so. I think the men object to the principle of these deductions being made here in the office in Washington. They are willing to make the payments but they want to exercise the option of making those payments the same as anybody else would need his payments. They do not want them deducted from any money that may be held for them here.

Mr. GRAHAM. I always supposed, Mr. Lineberger, that that rather helped to keep some of the insurance in existence. The Government being able to deduct it in that way would have a tendency to keep the insurance, perhaps, in force longer than it might otherwise be, because men sometimes forget or neglect these things, and let them run, and the insurance might be forfeited.

Mr. LINEBERGER. Theoretically I have been of the same opinion, but it seems to work out in administration that the veteran is never given the benefit of the doubt and these amounts are deducted, and when the Government once gets the money it is pretty hard to get it back for the man. I know that from actual experience.

Mr. GRAHAM. You think it would be better to let the men attend to the payment of their premiums themselves?

Mr. LINEBERGER. I think a man is thoroughly cognizant of the benefits of his insurance, Mr. Graham, when he is totally or temporarily totally disabled. If he is in that condition he is going to be very careful of his rights. You can realize that, because that is about all he has got between him and starvation, and I find that while theoretically what you say appears to be true, in practice the department never gives the disabled man—I say never; I think is some cases it does, but in most cases he is never given the benefit of the doubt, and when they once get the money it is very difficult to get it back from them, and I believe it would work out in practice better this way.

Mr. HUBLESTON. Mr. Lineberger, from my observation it occurs in many cases that there is a temporary cessation of the compensation payments due to bad addresses or a change of status from training to compensation or change in the district or of rating, or one thing and another; I know that in my office I have a multitude of complaints

of failure to receive checks. Sometimes those failures run for months, and I have known them to go for over a year. In that kind of case the man is not only not receiving compensation, but his insurance would lapse and there is no remedy for him and no way to get it reinstated. It is not a ground for reinstating insurance if he did not have the money to pay it with, although it may be the fault of the bureau that he did not have it. It occurs to me instead of going in the direction you suggested in reply to Mr. Graham's question, we ought to go in the opposite direction and in every case in which the claimant has not instructed that his compensation be not applied to his insurance, it ought to be automatically applied, and the insurance kept up until he signifies his desire to drop it, and it ought also to be the practice that where there is a wrongful suspension of his compensation or a wrongful failure to pay it, that the insurance can not lapse during the period in which that continues. I remember that on yesterday a case was presented of a man who was in the hospital at Johnson City.

He was discharged from the hospital and sent out of that district to his home in another district, and for three months, although he was totally disabled, he was in a noncompensable status for some inexplicable reason and did not receive his compensation, and in the meantime his insurance had lapsed. Now, that was a very great injustice, and we ought to cover that in some way.

Mr. LINEBERGER. Well, I realize there is great weight in what the gentleman says. There are arguments for and arguments against it. I will say to the committee that this is a secondary matter. The real kernel of my suggestion is that these men who are temporarily totally disabled for 12 months or more should be exempted from the payment of premiums until such time as they are rated at less than total disability. That is the point that I wanted to drive home before the committee. I have discussed the matter with the gentleman from Iowa, Mr. Sweet, and I believe he has no objection. This is not a bill. This is not even an amendment. It is a suggestion to this committee to take hold of and work out along the lines which they may best see fit in order to carry out the main idea of my suggestion, and I am submitting it along that line.

I have a number of letters, of course, on this matter. I would not care to take up any considerable time of the committee but I would like to read one letter from a man who is in the hospital to-day. This just gives you the viewpoint of the service man himself who is suffering from a situation of this kind. May I read this letter, Mr. Chairman? It is not very long.

The CHAIRMAN. Yes.

Mr. LINEBERGER. This is from Frank J. McGregor, at Banning, Calif. I will say that this is a tubercular hospital and most of these men affected, by the way, gentlemen, I think will be tubercular patients. The letter is dated November 18, 1922:

"Hon. WALTER F. LINEBERGER,
"House of Representatives, Washington, D. C."

"DEAR FRIEND AND COMRADE: Thousands of the boys to-day are in the same fix as to their war-risk insurance as I am now in. There is no doubt but that the great majority of them are most deserving, and need it urgently. When they are permanent and totally disabled, a lift is surely appreciated by all of them."

I want to say, just by way of explanation, that while he calls himself totally and permanently disabled, that this man is not carried on the lists of the Veterans' Bureau as totally and permanently disabled. He is carried as a temporary total disability.

"Now, I am going to ask you in our behalf if at this session you will find time to have an amendment to the war risk insurance act passed so we can reinstate our lapsed insurance. It would be a wonderful deed, and long and happily remembered by all concerned. I am sure when a fellow kept up his or her insurance payments long after the disability became apparent, and their earning power practically gone, that the regulations should then be so that they lose their insurance. It is too much like hitting a fellow when he is down, and we never do that."

"I could give you very extensive details: also get you an enormous petition from friends in Long Beach and Los Angeles, but I do not think that is necessary, as I know you understand me and the circumstances thoroughly. I have absolute confidence in the final result at your hands."

Now, this man's case was brought about by the fact that when he was a temporary total disability he did not pay his premiums. He said he could not do it. He had to have that \$80 to live on for himself and for his family and he allowed his insurance to lapse.

Mr. SANDERS. Does he not get more than \$80 if he has a family?

Mr. LINEBERGER. I believe he does get a slight additional allowance.

Mr. SWEET. He gets \$90 with a wife and \$95 if he has a wife and one child, and \$100 if he has a wife and two children.

Mr. SANDERS. And \$120 if he has a dependent father and mother in addition.

Mr. LINEBERGER. Yes; but a total permanent disability gets \$120.

Mr. SWEET. No; \$100.

Mr. LINEBERGER. I mean with a wife and children.

Mr. SWEET. No; all he gets is \$100.

Mr. LINEBERGER. But out of this money he receives he has to pay his war risk insurance, does he not?

Mr. SANDERS. Yes.

Mr. LINEBERGER. Under the present arrangement.

Mr. RAYBURN. Mr. Lineberger, do you not think that was comprehended in fixing the disability alone?

Mr. LINEBERGER. I do not think so, because my contention is that during this period of temporary total disability a man's earning capacity is the same as if he were totally and permanently disabled, Mr. Rayburn, and after he has been on temporary total disability for a period of 12 months he should then receive the same amount of money that the man who is totally and permanently disabled.

Mr. RAYBURN. What do you think about the amendment that has been suggested here, making a man who has been temporarily totally disabled for 12 months—rate him permanently and totally disabled?

Mr. LINEBERGER. I think that would be broader and better than my amendment.

Mr. RAYBURN. It is broader, of course.

Mr. LINEBERGER. Yes; and better.

Mr. RAYBURN. What about the man who has tuberculosis and goes to a hospital and is entirely recovered in 12 months or 13 months; would you put him on the roll as a permanently and totally disabled man?

Mr. LINEBERGER. No; that is why I had this in mind. There might be tubercular cases where a man might be carried for a period of as much as 12 months as temporarily totally disabled who, in effect, might later be declared only partially disabled, and while the other amendment to which you refer, of course, would not include that man in case he were to get better, my amendment permits him to be placed back as less than temporarily totally disabled. He could be placed back at 75 per cent later, and if so, he would again begin to pay his premiums, after the expiration of 12 months—

Mr. RAYBURN. Why not, when he is totally temporarily disabled, start to take care of his insurance right then?

Mr. LINEBERGER. For this reason, Mr. Rayburn—

Mr. RAYBURN (continuing). What are you going to do with him when it has lapsed for 12 months, and that is what it usually does?

Mr. LINEBERGER. I think some provision ought to be made.

Mr. RAYBURN. I do not think that amendment is going to do any good. If a man is temporarily totally disabled for 12 months and he is not getting better, he is on the road to permanent disability.

Mr. LINEBERGER. Yes.

Mr. RAYBURN. It seems to me that if you want to accomplish anything at all, you will have to provide that while a man is in the hospital or is rated temporarily totally disabled that his insurance payments shall be suspended. It seems to me that is what you ought to say.

Mr. LINEBERGER. No; because I want to cover the man who might be outside of the hospital.

Mr. RAYBURN. I do not care where he is just so he is temporarily totally disabled and is so rated.

Mr. HOCH. That is the question exactly. If this is based on lack of earning capacity that would happen the moment he is totally disabled.

Mr. RAYBURN. It would happen just as much the first month as the thirteenth month.

Mr. LINEBERGER. But with this difference, that during the time he is in the hospital he is receiving, of course, his food and his room, you might say, free, and it might be that a man might be in the hospital for only a month or six weeks. I believe in these tubercular cases, wherever they hospitalize them, they usually place them all on the temporarily totally disabled list, even though they are there just for a few months, the temporarily totally disabled list, where a man has gone for a period and I had in mind avoiding that contingency: but where a man has gone for a period of as much as 12 months as a temporary total disability then I think he should be exempted from the payment of premiums until such time as he is rated at less than total disability. Now, if the committee sees fit to make that a shorter period of time, I have no objection. I want to be fair with the Government and I want to be fair with the

man, and I have tried to meet this in a general way. I am not offering an amendment to this bill. I am offering a suggestion to this committee to be incorporated into the bill in such way as in the judgment of the committee may seem proper.

Mr. SANDERS. Mr. Lineberger, suppose the soldier had no insurance and should become permanently and totally disabled at the end of 12 months?

Mr. LINEBERGER. Suppose he had none?

Mr. SANDERS. Yes.

Mr. LINEBERGER. I believe that any soldier, whether he has insurance or not, if he is totally and permanently disabled, or even partially disabled, can claim hospitalization at the Army hospitals. I know there are men who go from time to time out here to the Walter Reed Hospital.

Mr. SANDERS. You could not do anything about his insurance?

Mr. LINEBERGER. He would not have any insurance to do anything with.

Mr. SANDERS. The point I wanted to make was that suppose you had one soldier who has not insurance and you have another soldier who has, are you going to do anything for the soldier who has not any insurance to make up for what you are doing for the one who has?

Mr. LINEBERGER. Something, most assuredly, ought to be done for him, but I have tried to confine my suggestions here to certain concrete cases, and, naturally, they are the cases which have insurance.

Mr. SANDERS. Of course, I think there is a good deal in what you say about the provisions for the permanently disabled and the temporarily totally disabled, but after all, the question of insurance is a contract matter and the agreement to pay the premiums is a matter of contract, and when you are releasing the soldier from the premiums or when you are paying them for him, of course, that is just that much additional compensation.

Mr. LINEBERGER. Well, it is more than that. It relieves him of the responsibility. Even though they were getting the additional amount, if they are charged with the responsibility of sending that money in and feeling it might not get there or that they might lose their insurance, that itself is a disturbing element with them.

Mr. SANDERS. But when you have A, who is getting a certain amount of compensation, say, \$80, and he has insurance and you relieve him from paying the premiums, you are adding just that much to his compensation and just that much additional benefit if you say it relieves him of the trouble and responsibility, and if you have B, who has no insurance and who is just as much disabled, and you pay him \$80 compensation, he does not get anything additional. If we are going to be absolutely just and if we are going to give this additional help, should we not arrive at the value of it and give it to all the soldiers alike, so we will not pay one soldier a certain amount of compensation and another one an additional amount.

Mr. LINEBERGER. I certainly think these men ought to be taken care of, whether they have any insurance or not, but I think that you ought to allow them the full amount, whatever that may be, and not place upon them during this period of temporary total disability the business obligation of paying premiums. A man who is in a temporary totally disabled condition is not in condition to have any business burdens of any kind.

Mr. SANDERS. Of course, that is true of a soldier who has insurance in the Metropolitan Life Insurance Company taken out before the war. The same thing would be true. Suppose one soldier has insurance in the Metropolitan Life Insurance Company for \$5,000, taken out before the war, and another soldier has insurance with the Government for \$5,000, are you going to relieve one soldier who has certain premiums to pay and refuse that relief to the other soldier?

Mr. LINEBERGER. I can not follow the gentleman on that line of reasoning for this reason: There is not only a contractual obligation on the part of the Government toward the soldier, but this very war risk insurance act carries with it a moral obligation of the nation, whereas between the private insurance companies and the individual soldier, or the civilian, as the case may be, it is purely a cold-blooded contractual obligation, whereas in this matter of the Government and the disabled soldier there is a contractual obligation, of course, as there must be, but there is also a moral obligation, and therefore I think the two cases are not parallel.

Mr. SWEET. Mr. Lineberger, as I understand your proposition, if a man is rated as total temporary for one year, at the end of the year he is not require to pay his premiums.

Mr. LINEBERGER. Yes, sir.

Mr. SWEET. And that would continue and apply to all those who are rated as total temporary and until such time as he was rated at less than total temporary.

Mr. LINEBERGER. Yes.

Mr. SWEET. And that would apply to all those who are in hospitals or out of hospitals or wherever they may be.

Mr. LINEBERGER. Yes.

Mr. SWEET. That are now rated as total temporary.

Mr. LINEBERGER. Yes, sir.

Mr. SWEET. Are you familiar with section 4 of the bill?

Mr. LINEBERGER. I have not read this bill.

Mr. SWEET. Section 4 of the bill contains this clause:

"Provided, That where the disabled person has been, is, or hereafter shall be an inmate of a hospital or asylum during a continuous period of one year or more, or when such person has been, is or hereafter shall be rated as totally disabled or totally and temporarily disabled for a continuous period of one year or more, and is unable to follow continuously any substantially gainful occupation during such year, and whereupon upon medical examination for the purpose of ascertaining the true physical and mental condition of the disabled person and his ability to engage continuously in a substantially gainful occupation, it shall be found such person is of such physical or mental condition as to require further hospitalization or otherwise unable to follow continuously any substantially gainful occupation, he shall be deemed to be totally and permanently disabled."

Do you approve of that provision?

Mr. LINEBERGER. It is so involved that it looks to me that it gives quite an opportunity for the Government or those in charge of the administration of this law to put the burden of proof on the service man. You would have to get witnesses and all that sort of thing to prove the condition of the man. I think the intention of the legislation is all right. It does not, as I understand it, take in these men that might be temporarily and totally disabled, and might be outside of hospitals.

Mr. SWEET. Yes; it includes those.

Mr. LINEBERGER. It does include them?

Mr. SWEET. It includes them provided they come within the statements made here in the section.

Mr. LINEBERGER. Does it include the kernel of the suggestion which I have offered to the committee?

Mr. SWEET. I think it goes beyond that because it rates him as totally disabled during that period.

Mr. LINEBERGER. If the committee is sure it includes them I certainly would have no objection to their going beyond it. My only idea is to see that this idea is presented to the committee, and, if possible, to secure its incorporation.

Mr. SWEET. Do you know how many your proposed amendment would apply to?

Mr. LINEBERGER. No; I do not. I have sent to the bureau for information on that subject which I have not as yet been able to obtain; in fact, I only sent yesterday. I should have sent sooner.

Mr. LEA. Mr. Lineberger, it seems to me that Mr. Sanders's proposition is a just one and in order to make this equitable and treat every soldier alike the insurance should be taken from the compensation, otherwise you give one man a greater compensation than you do the other. Are there not two propositions involved? One is the question of the lapsing of policies and the other is the question of who shall pay the premiums. Now, is not the question of the lapsing of policies and the prevention of that much more important than the question of who shall pay the premiums when the man is rated as temporarily totally disabled?

Mr. LINEBERGER. Well, no. To carry Mr. Sanders's suggestion one step further, and if what he says is logical as to the man who is temporarily and totally disabled, and you are going to give the benefits of protection by the Government to the men who are disabled, whether temporarily or permanently, if you carry that on into the next class, those who are totally and permanently disabled, would you not be making the same discrimination, because a man who is totally and permanently disabled under the present law pays no premiums of any kind to the Government, and if you are going to include the man who did not have any insurance, there undoubtedly will be among them certain men who are totally and permanently disabled, who will be at once carried into that class, and if so, they will pay no insurance any more than the man who before he became totally and permanently disabled did pay his insurance, so you will be forced to discriminate there.

Mr. LEA. It would apply to all who belonged to that class.

Mr. LINEBERGER. Yes.

Mr. LEA. So you would not have discrimination as between men who were in the same status.

Mr. LINEBERGER. You would not have discrimination between men in the same status here if you made it that they do not have to pay any premiums, because a man who is temporarily totally disabled is temporarily totally disabled whether he has been paying premiums before or not.

Mr. PARKER. Mr. Lineberger, does not a man immediately he is declared permanently and totally disabled begin to get the benefits of his insurance.

Mr. LINEBERGER. Yes, theoretically he does.

Mr. PARKER. So he is not only relieved of the payments but he begins to draw on his contract.

Mr. LINEBERGER. He ceases to pay, though, Mr. Parker.

Mr. PARKER. He ceases to pay and he begins then to be a beneficiary.

Mr. LINEBERGER. Yes.

Mr. PARKER. Immediately, so that the argument that Mr. Lea has brought up I do not think would hold because he then begins to get the benefit of his contract with the Government immediately he is adjudged permanently and totally disabled, and he would not have to pay anything, and he, in the eyes of the law, is dead.

Mr. LINEBERGER. But, Mr. Parker—

Mr. LEA. But that is part of his insurance contract.

Mr. PARKER. Oh, yes; I know that is part of his insurance contract.

Mr. LINEBERGER. But, Mr. Parker, suppose a man has had no insurance contract temporarily totally disabled, whether he has any insurance contract or not, you have certainly got to carry it over to the next class and take care of that class which is permanently totally disabled, whether they have a contract or not. So there would be no contractual obligation in either case on the part of the Government as to the men who were temporarily totally disabled, and those who were permanently totally disabled among that class which had not carried any insurance previously.

Mr. DENISON. Your proposition, Mr. Lineberger, is for the Government to pay the premiums of those who have insurance during temporary total disability.

Mr. LINEBERGER. After they have been on the list of temporary total disability for a period of 12 months.

Mr. DENISON. After they have been on that list for 12 months and not during the 12 months.

Mr. LINEBERGER. No; but I am willing that that period should be made shorter, if the committee sees fit.

Mr. DENISON. Then in the case of one man carrying \$5,000 insurance and another man carrying \$10,000 of insurance, you would be giving one man more than the other.

Mr. SWEET. Under his proposition there is no rating. He is still rated as total temporary, but he is simply relieved from the payment of his premiums.

Mr. LINEBERGER. Whatever they may be.

Mr. DENISON. But if one has more insurance than another, one would be getting more benefit than the other.

Mr. SWEET. That is true.

Mr. LINEBERGER. Yes; that is true, too, in the totally disabled class.

Mr. DENISON. So you would be giving, of course, a greater benefit to one than to the other.

Mr. LINEBERGER. The whole thing hinges, as I see it, on the acceptance or rejection of this point: That a man during the temporary totally disabled period is as much disabled during that period as though he were permanently disabled. In other words, for the 12 months, from January 1 to January 1 next, he is just as much disabled as though here were given permanent disability which carries indefinitely, and if that is true, it seems to me that the principle which I am trying to present before the committee should be recognized and the idea which I offer accepted.

Mr. DENISON. If that principle is true, then you ought not to wait 12 months, but it ought to start from the beginning.

Mr. LINEBERGER. That is perhaps true, and I gave that matter considerable thought. I will say to you, Mr. Denison, but I realize that in the actual administration of this law, for administrative purposes, at least, that men are declared temporarily totally disabled sometimes for a very short period during which they are placed in the hospitals for observation, in order to determine whether or not they are permanently disabled or to determine, in fact, whether they are even temporarily totally disabled. Sometimes men who are not rated at more than 30 or 40 or 50 per cent are claiming total disability. The Government can not allow that to them simply because they claim it. At the same time the Government can not reject the claim until it has had the patient under examination for sufficient time to determine properly and with justice, under medical supervision, the actual degree of disability which exists, and while that man is carried at temporary total disability for this period of time, sometimes ranging for as much as six months, he is oftentimes discharged from the hospital and placed back on 50 per cent or less disability, and I want to give a period of one year so that it would give a sufficient time for an observation period through which these men must pass in order to determine their total or temporary disability, as the case may be.

Mr. DENISON. What is the difference in principle or in the moral obligation on the part of the Government between these two cases? Here is a man who has \$10,000 insurance, and he can not pay the premiums during this period you speak about, and you want the Government to pay them for him—

Mr. LINEBERGER (interposing). After a year.

Mr. DENISON. Yes. Now, here is a man who has not that insurance, why not let the Government come in and carry \$10,000 for him during the same period. What is the difference in principle involved and in the moral obligation on the part of the Government in the two cases?

Mr. LINEBERGER. Well, in my opinion, you are getting into a very intricate and involved question which goes back to the very beginning of this whole war risk insurance act. In my opinion, the Government ought to have provided this insurance in an equal amount for all the men from the very beginning; but that is water that has gone over the wheel, and I had not thought it necessary to take up the time of the committee discussing that phase of it.

Mr. DENISON. The question is suggested for the reason that we want to treat all of them just alike. I am sure the Congress ought to do that, and I think all of us want to do that. It seems to me that if we are going to let the Government step in and pay one man's premiums during any period of time, we ought to let the Government pay the same premiums for other men similarly situated.

Mr. LINEBERGER. I have no objection to the committee enlarging upon the principle that I have tried to bring before it in any way they see fit, so long as they include the class to which I have referred in my remarks.

Mr. JOHNSON. Mr. Chairman, let me ask you one question. How many witnesses are going to appear before the committee, and is there any time limitation upon them? I ask this for information.

The CHAIRMAN. Not as yet determined.

Mr. JOHNSON. It seems to me we are just running around in circles.

Mr. LINEBERGER. I will say for the benefit of the gentleman that I have no desire whatever to monopolize the time of the committee. They have been very courteous to me, and I have used much more time than I intended.

Mr. JOHNSON. The only reason I asked the question is that I want to be away part of next week and I want to arrange my engagements, because I am very anxious to hear all this testimony.

The CHAIRMAN. I think the gentleman is right in his statement about running in circles, but I think the gentleman has been provoked into that by the questions of the committee.

Mr. LINEBERGER. I am here to answer to the best of my ability any questions which the members of the committee may ask, although they may involve repetition.

Mr. DENISON. If at any time in this hearing or at any time hereafter I ask any question that has been gone over, I wish the chairman would call it to my attention.

Mr. PARKER. Mr. Lineberger, have you a copy of the bill.

Mr. LINEBERGER. I have, in my office.

Mr. PARKER. Mr. Lineberger, commencing at the bottom of page 5, read the language down to the proviso in line 13. That is the language that Mr. Sweet brought to your attention.

The CHAIRMAN. Mr. Lineberger, the essence of the whole thing is that the committee, or those who had to do with advising Judge Sweet in drafting this bill, think they have done all that you ask and more, too. That being the case, you probably do not care to prosecute the testimony much further.

Mr. LINEBERGER. No, and I thank the committee. I should like to ask you this question, Mr. Winslow—it may be there, but I did not get it when Mr. Sweet read it: Do you take care of these temporary totally disabled men whether they are in the hospitals or out of the hospitals?

Mr. PARKER. Yes.

The CHAIRMAN. And your recommendation will receive special attention of the committee in the course of their consideration of the bill.

Mr. LINEBERGER. Thank you very much.

The CHAIRMAN. If there are no further questions for Mr. Lineberger, the Chair will ask Mr. Rhodes—

Mr. HAWES. I would like to ask one question. Mr. Lineberger, what percentage of our 4,500,000 men now carry insurance?

Mr. LINEBERGER. I have a letter here from Mr. Forbes along that line. I am not sure whether it contains the information which the gentleman requests or not. I wrote Mr. Forbes asking him for certain information, and he answers as follows:

"The number of trainees in training (and I think this would be interesting information for the committee) December 1, 1922, was 97,935; the number of compensation cases disapproved to January 1, 1923, 425,898."

That is the number of cases disapproved.

"Number of compensation cases pending January 1, 1923, 31,771; number of trainees rehabilitated to December 1, 1922, 19,000."

Mr. HAWES. That does not answer my question at all.

Mr. LINEBERGER. No; I now see that it does not. It answers as to the cases disapproved, but it does not give the cases approved.

Mr. HAWES. You did not get my question. We had approximately 4,500,000 men who were entitled to insurance.

Mr. LINEBERGER. Who were eligible?

Mr. HAWES. Yes; who were eligible. It has been suggested to me that approximately 600,000 carry insurance.

Mr. LINEBERGER. I have in mind that it is between five and six hundred thousand, in round numbers.

Mr. HAWES. So that the question of Mr. Denison would then become a very important one, that you are giving a benefit to 600,000 men that you are denying to over 3,600,000 men.

Mr. LINEBERGER. No; you are not denying it to them, because among that 4,500,000 there undoubtedly exists a large proportion of eligibles from which this five or six hundred thousand was originally drawn. Now, what percentage there are among those four and a half million men who are without the class of eligibles, Mr. HAWES, because of the fact they did not take out insurance originally or dropped it after they took it out, I do not know.

Mr. HAWES. This is the point I was trying to get at. It has been suggested to me that only 600,000 are now carrying insurance.

Mr. SWEET. That is about right, Mr. HAWES, between five and six hundred thousand. Mr. HAWES. That would leave 3,900,000 who would be discriminated against.

Mr. LINEBERGER. Well, that undoubtedly is a question which the future congresses are going to have to meet. The fact that those remaining men are now ineligible under the war risk insurance act and the fact that whatever disability they may suffer in the future will, in a measure at least, be traceable to their military service, is why many people think we are going to have a general pension law in the future. Uncle Joe Cannon has often made the statement that he expects the time to come when a general pension law will have to be enacted. Of course, we hope to avoid that.

Mr. RAYBURN. You mean when it will be enacted—not have to, but will be.

Mr. LINEBERGER. I am just repeating what I have been told. I do not profess to be a prophet.

The CHAIRMAN. The Chair would like to say to the members of the committee that we will have representatives here from the Veterans' Bureau who know exactly what they are talking about as to records, etc., and if we could leave for them the duty of stating the facts, and simply the facts, we might save a lot of time. Mr. Lineberger admits he does not know about that phase of the matter.

Mr. LINEBERGER. No; I do not know anything about that phase of it.

The CHAIRMAN. We are obliged to you, Mr. Lineberger, and will now hear Mr. Rhodes.

STATEMENT OF HON. MARION E. RHODES, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF MISSOURI.

Mr. RHODES. Mr. Chairman and gentlemen of the committee, on June 10, 1921, I offered an amendment on the floor of the House to the then pending Veterans' Bureau act and stated a concrete case at that time which in substance is this:

A soldier, honorably discharged, who carried \$10,000 insurance, effective at the time of his discharge, died within four months after he was discharged, but during that four months period had paid no insurance premiums. At the time of his death he owed the Government \$28. In other words, he was in arrears in the sum of \$28 on account of unpaid insurance premiums, but the Government had never paid this soldier the \$60 bonus.

On the 3d day of June, 1921, I submitted an inquiry by telephone to the department, and was informed that there were 60 known cases in the United States in which the bonus money had never been paid to soldiers, and in which the policies had been declared lapsed on account of nonpayment of premiums.

I was further informed by the bureau that between the effective date—and I should like for the committee to get this point clearly in mind—I was further informed that between the effective date of the original \$60 bonus act, which was February 24, 1919, and the 14th day of September, 1920, that the \$60 bonus money was so applied, but on account of a decision rendered by the Comptroller of the Treasury, September 14, 1920, all those soldiers coming within that class of cases, or I should say the bene-

ficiaries in all cases of that kind, were denied the benefits of the act after the rendering of this decision by the comptroller.

Mr. GRAHAM. Between what dates, Mr. Rhodes?

Mr. RHODES. Between the effective date of the original bonus act, which was February 24, 1919, and the date of the rendering of this decision which was September 24, 1920; in other words, during a period of about a year and seven months the \$60 bonus money was so applied.

Mr. RAYBURN. What do you mean by the effective date of the war risk insurance act. That act was passed in October, 1917, and applied back to April 6, 1917.

Mr. RHODES. Well, perhaps I have the reference wrong, and will correct it.

Mr. GRAHAM. There was an amendment, was there not, Mr. Rhodes, which authorized the application of this bonus money to unpaid premiums.

Mr. RAYBURN. I do not think so.

Mr. SWEET. There never was any law on it at all, but the department did go to work and make that application, but afterwards that was reversed through this decision.

Mr. RHODES. Mr. Chairman, if you will permit me to read just a few paragraphs, I think Mr. Rayburn's question will be cleared up.

Mr. HOCH. I think that was the date of the passage of the bonus act.

Mr. RHODES. Yes; that is correct. In order to reach that class of cases, which I regard as very meritorious and exceptional, I offered this amendment:

"No insurance shall be held to have elapsed during such time as any war-service bonus may have been due and unpaid the insured by the United States under section 1406 of the act approved February 24, 1919."

That is the date I had in mind, February 24, 1919.

Mr. DENISON. That is the date of the bonus act.

Mr. RHODES. I said the original war risk insurance act, but I meant the bonus act.

Mr. SWEET. Yes; that was the bonus act.

Mr. RHODES (reading): "In any sum equal to or in excess of the amount of the premium or premiums due and unpaid by the insured, unless the insured otherwise elects, in writing: *Provided further*, That this paragraph shall be deemed effective as of February 24, 1919, but shall be effective in no case where the insured has been paid such war-service bonus."

I made this additional statement, and there is no reason for repeating it here except that it may elucidate the point in such a way that my contention may be clearly understood:

"I inquired at the Bureau of the War Risk Insurance and was informed that there were 60 known cases in the United States in which at the time of the death of the soldier the bonus money had not been paid and has never been paid."

That is a fact worth remembering.

"Therefore, at the time of the death of these soldiers the Government owed the soldier more money than the soldiers owed the Government on account of insurance premiums. This soldier owed the Government \$28 and the Government owed the soldier \$60."

I believed then and I believe now, that the Veterans' Bureau act should be so amended as to permit the application of the \$60 bonus money which was due and unpaid, and which has never been paid to apply on the unpaid insurance premiums.

Mr. SWEET. And you believe that should be true, too, without any regard to the soldier electing whether he would take the bonus or whether he would have it applied upon the insurance premiums; and that is to be done without regard to the soldier. Primarily, he has the right to say whether he will accept the bonus and allow the policy to lapse or not, has he not?

Mr. RHODES. I think so, yes.

Mr. SWEET. Now, if he has not done that and dies, his beneficiaries then could come in and say, "This insurance is in force because the Government owes him \$60 and there is only \$28 due on his premium?"

Mr. RHODES. That is the situation exactly.

The CHAIRMAN. Judge Sweet, do you understand the law to mean that the Government owes him that money or allows him a drawing account of that amount, if he elects to use it? Is it a debt that the Government owes, or is it the privilege of the soldier to take it or not, as he wants?

Mr. SWEET. It is a gratuity, I should say.

The CHAIRMAN. So it is not strictly correct to say that it is a debt that the Government owes.

Mr. RHODES. Of course, that question was discussed at the time pretty thoroughly by the gentleman from Indiana, Mr. Sanders, and by the gentleman from Minnesota, Mr. Newton. I admitted that strictly under the contractual relation existing between the soldier and the Government perhaps I would not be justified in pressing this

proposition, and Congress might not be justified in amending the law so as to cover this class of cases, yet it does seem to me, as a matter of equity, my amendment should be adopted.

The CHAIRMAN. Mr. Rhodes, how far do you feel that there is a moral obligation of the Government toward the soldier?

Mr. RHODES. Of course, that is a very broad question. I think in this case the moral obligation goes as far as my amendment. I think it should include all cases where the soldier does not owe the Government as much money on account of arrears of insurance premiums as the \$60 bonus. It certainly ought to go that far, and that is the only phase of the question that I am attempting to discuss.

The CHAIRMAN. Just to get your good judgment, which we know is good, I would like to have you suggest how far down the line of what we might call humanity the committee can properly be influenced by what come to be finally hard luck cases. It is a question of degree. You have a case yourself and let us assume it has merit, and then come along a number of cases that are a little less meritorious but still have merit, until we get down to the point finally where any soldier who has any hard luck of any kind ought to be cared for by the Government by virtue of his hard luck. Is there not a chance of being over-humane in respect of the adjustment of these hard luck propositions?

Mr. RHODES. I concede that there is a possibility of the Government being over-indulgent, but I do say this: In the light of the history of legislation from the foundation of this Government down to this good hour, it has been the policy of Congress to be very generous toward the soldiers of all wars and their beneficiaries, so when we come to the question of drawing a line and saying, "Beyond this line Congress shall not pass," I doubt if it can be done. I have in mind a case of soldiers from my own State during the Civil War who did not have a pensionable status at the close of the war, but later Senator Cockrell, from our State, secured the passage of a special bill by Congress which gave those soldiers a pensionable status. In the mind of Congress 10 years prior to the passage of that act, Congress was under no obligation to grant this relief legislation. So it is a matter that depends largely upon the way any particular Congress sees fit to look at the question.

Mr. MAPES. Who was the beneficiary in the insurance policy in which you are interested?

Mr. RHODES. I can give you the name right here.

Mr. MAPES. I do not care about the name, but what was the relationship.

Mr. RHODES. The soldier's name was Walter Warren Parsons, and the beneficiary was James Parsons, the father.

Mr. DENISON. Mr. Rhodes, in the illustration which you used a moment ago, I do not think that is an illustration of a change in attitude toward the soldier or in our moral obligation toward the soldier so much as it is often a change in the political exigencies of the times.

Mr. RHODES. That may be true.

Mr. DENISON. Half of the legislation we have enacted for the soldiers of the Civil War was enacted for political purposes and not through a sense of any particular obligation owed to the soldiers and that is the history of all pension legislation, but that is aside from this question we are now discussing, and I would like to ask you this concrete question and see what you think about it: Here is a soldier who had \$10,000 insurance and he let it lapse. In his own mind he may have intended to do so, we do not know; but at any rate the contractual obligation ceased.

Now, you say that because the Government decided to provide a gratuity, which had not yet been paid, we ought now to apply that gratuity toward establishing or reestablishing that contractual relationship and giving his beneficiaries the \$10,000 insurance. Now, what do you think of applying that same principle to the man who was not provident enough to take out any insurance in the first place, or did not take out any insurance and died without having collected the bonus. Why not apply that \$60 bonus toward giving him \$10,000 insurance and establishing the same contractual relationship and thereby treat all the soldiers alike?

Mr. RHODES. Of course, it would be impossible to treat all soldiers alike, because they have not all carried the same amount of insurance in the first place.

Mr. DENISON. But you are reestablishing a contractual relationship which has terminated in one case, and in the other case you are establishing one which had never been begun.

Mr. RHODES. I am following the principle that is recognized even by the Supreme Court of the United States in declaring certain questions constitutional or unconstitutional. I would say in passing on that question that it certainly treats all soldiers alike to whom the \$60 bonus was due and whose insurance had been allowed to lapse.

Within that class of cases they are all treated alike, but it is true the 4,500,000 men in the Army in the first instance did not elect to put themselves upon the same footing. Mr. DENISON. Let me show you the difference.

Mr. RHODES. I see your point and I concede that if you strip this question of everything except the naked legal grounds, then I say that I am out.

Mr. DENISON. And you can see where you are making a distinction. Here the Government is undertaking to provide a gratuity of \$80 and it gives it to most of them, but in the case you mention it is giving more than \$80. It is giving \$10,000 life insurance, and that is quite a distinction.

Mr. RHODES. That is what it means in this case.

Mr. HUDDLESTON. Would you distinguish between a so-called debt owing by the Government on account of the unclaimed bonus and any other debt the Government might owe the soldier.

Mr. RHODES. I would not. Mr. Huddleston.

Mr. HUDDLESTON. For instance, in a multitude of instances soldiers were discharged without having been paid in full for various reasons, and many of them have never got their money. Would you think in a case of that kind the amount ought to be applied in the same way? In other words, that the Government should, in settling these claims of deceased soldiers, go back and rip up all of his accounts and find out whether there was anything due him from the Government, and if so, apply it to the payment of his insurance premiums; and if you would not do that, why would you apply this bonus money in that way?

Mr. RHODES. I will say, Mr. Chairman, that my friend, Mr. Bell, of Georgia, has an amendment which he wishes to call to the attention of this committee which, I think, covers that very case; and, of course, believing as I do that it is right and proper for the Government of the United States to apply in settlement of unpaid insurance this bonus money in the case I have pointed out, I would certainly be compelled to agree that it ought to apply in any case where the Government owed the soldier money, whether it is bonus money or whether it is not bonus money.

Mr. SWEET. And you think that should apply as well where compensation at times is due?

Mr. RHODES. I would have to concede that, too.

Mr. SWEET. And at the present time we do that, in the law, do we not?

Mr. RHODES. I believe so.

Mr. SWEET. Let me call your attention to this part of section 408:

"Provided further, That where any soldier has heretofore allowed his insurance to lapse while suffering from wounds or disease suffered or contracted in line of service, and was at the time he allowed his insurance to lapse entitled to compensation on account thereof in a sum equal to or in excess of the amount due from him in premiums on his said insurance, and dies or has died from said wounds or disease or becomes or has become permanently and totally disabled by reason thereof, without collecting or making claim for said compensation, and at the time of such death or permanent total disability had or has sufficient uncollected compensation to pay all unpaid premiums, then and in that event said policy shall not be considered as lapsed; and the United States Veterans' Bureau is hereby authorized and directed to pay to the said soldier or his beneficiaries under said policy the amount of said insurance less the premiums and interest thereon at 5 percent per annum compounded annually in installments as provided by law."

Now, is there any difference between the bonus and the compensation which may be due? That is a question which I wished to call your attention to.

Mr. RHODES. In truth and in fact there should be no difference. Of course, I concede the point is well taken, as made by my friend, Mr. Denison, and also by the chairman of this committee, when you want to look at it in that naked, abstract legal light.

There is just one more word and then I am through. I want Mr. Huddleston's and Mr. Denison's attention especially on this proposition: In reference to the question of treating all the soldiers alike, I want to remind you gentlemen that between the effective date of the bonus act and the rendition of this decision by the comptroller, this \$80 bonus was applied in the manner I have pointed out, and since the rendering of that judgment by the comptroller, the \$80 bonus has been denied such application; that is, the application of the \$80 bonus money has not been so applied since September 14, 1920. The beneficiaries of the soldiers got the benefit of the insurance during a period of 19 months, and I want to tell you that it was only by a very narrow construction of the law, in my judgment, that that decision was ever rendered. If we want to treat them all alike, we have got to amend the existing law so as to make the same provision apply to-day that was followed by the department in the administration of the original act prior to September 14, 1920.

Mr. DENISON. Following out that argument, if we do wrong in part of the cases, we ought to do wrong in all the cases.

Mr. RHODES. Well, I would prefer to put it upon this ground, if we do right during a period of 19 months, let us do right in all the time. That all goes to the question of whether the decision of the comptroller was right.

Mr. GRAHAM. Do you know in how many cases the department followed that plan before they were stopped by that decision.

Mr. RHODES. I do not, but I know it covered a period of 19 months.

Mr. GRAHAM. Do you know whether they did that in many cases.

Mr. RHODES. I do not.

Mr. JOHNSON. If you have a letter or anything of that kind from the department indicating that, would you mind putting it in the record.

Mr. RHODES. I will be glad to. I think I had a letter at the time from them. My clerks are both laid up with the "flu" now, and I do not think I can find it to-day, but I will get it in a day or two.

The CHAIRMAN. You can perhaps get a copy from the department.

Mr. RHODES. Yes.

The CHAIRMAN. If there are no further questions, we are obliged to you, Mr. Rhodes.

Mr. RHODES. I thank you very much, Mr. Chairman.

STATEMENT OF HON. THOMAS M. BELL, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF GEORGIA.

Mr. BELL. Mr. Chairman and gentlemen of the committee: I have a case in my district which, in my judgment, is meritorious and should have relief. It is the case of Britt Craig, who enlisted as a private in the Aviation Section, Signal Corps, of the Army, June 21, 1917. He was made a second lieutenant August 14, 1918. He was discharged on December 11, 1918. He died March 18, 1919. An award of insurance was made on account of the bonus on October 8, 1919, and discontinued on account of decision of the Comptroller of the Treasury in November, 1920.

Britt Craig applied for insurance January 31, 1918, for \$10,000, made payable to his father, William H. Craig, and monthly deductions of \$8.60 were made from his pay up to and including December, 1918.

Now, as I have said, this insurance is considered to have lapsed on account of non-payment of premiums for three months, during which time this soldier did not receive any statements from the Bureau of the premiums due.

Mr. MAPES. May I interrupt you there? Did he pay any premiums after he was discharged?

Mr. BELL. No, sir.

Mr. MAPES. He has not paid anything except what was deducted from his pay as a soldier?

Mr. BELL. That is right. When he was commissioned as a second lieutenant there was due him arrears of pay of \$114.85. This money was not paid to him at the time of discharge because of the fact that there was no appropriation for that money. He had authorized, when he took out his insurance of \$10,000, deductions from any pay due. He knew this \$114.85 was due him and he intended to leave that money for the purpose of covering his premiums, as I will be able to show by affidavit.

Mr. SWEET. Right in that connection, this authorization you speak of whereby his premiums were to be paid out of his salary or the money he received as a soldier was in the general statement he made at the time he took out his insurance.

Mr. BELL. Yes.

Mr. SWEET. And which applied to every soldier in the Army, practically.

Mr. BELL. Yes; that is true; and I would like to call your attention to the fact that this \$114.85 due him was while he was a cadet and not after he was a commissioned officer. I think there is no doubt; in fact, I am sure there is no doubt but what the soldier intended to leave that \$114.85 with the Government for the purpose of paying the premiums on his policy, and in that connection I would like to read to you an affidavit from the father of this young man whom I have known for 40 years or more.

GEORGIA, Hall County:

Before me, R. W. Smith, an officer authorized to administer oaths, personally came W. R. Craig, who on oath says: That he is the father of Lieut. Britt Craig, deceased, of the United States Air Service, who took out a policy for \$10,000, of which deponent was beneficiary; that when said Britt Craig came to receive his commission as lieutenant he wrote deponent that because of default of the Government in the payment of his salary he had not sufficient money to buy a uniform; that deponent furnished

the money to buy said uniform; that when said Britt Craig returned home after his discharge he told deponent that he was unable to pay the money furnished, but was going to keep up the insurance in deponent's favor; that the arrears of pay were still due him—enough to keep the premiums paid for two years—and intended to let it go that way.

Deponent further says that said Britt Craig's address on file with the War Risk Insurance Bureau was Gainesville, Ga.; that no notice or notices of premiums due were sent to him or to deponent during the months of January or February or March, 1919, but that about two weeks after the death of said Britt Craig, which occurred March 18, 1919, notices of premiums due for January and February and March, 1919, were sent to Britt Craig, Gainesville, Ga., 10 days after deponent had notified the bureau of the death of said Britt Craig.

Deponent further says that he believes that said Britt Craig in good faith intended and believed that the premiums on his insurance policy were being deducted from the arrears of pay due him by the Government.

W. H. CRAIG.

Sworn to and subscribed before me, August 1, 1921.

R. W. SMITH,
Clerk Superior Court, Hall County, Ga.

GEORGIA, Hall County:

We hereby certify that we have known the maker of the above affidavit, Mr. W. H. Craig, for a number of years; that he is a truthful, honest, and upright, and that his statements are entitled to full faith and credit.

Witness our official signatures and seals of our respective offices this August 1, 1921.

[SEAL.] R. W. SMITH,
Clerk Superior Court, Hall County, Ga.

[SEAL.] W. D. WHELCHER,
Ordinary, Hall County.

A true copy.

MIRIAM EDWARDS,
Notary Public, District of Columbia.

Mr. GRAHAM. Mr. Bell, what happened to that \$114—was it drawn out of the Treasury?

Mr. BELL. It was, after the policy was reinstated upon the bonus. There was a decision, as Mr. Rhodes told you awhile ago, and as you all very well know, of the comptroller stating that it was illegal to reinstate insurance upon the bonus, as the bonus was not considered pay and could be paid to the soldier only.

Mr. SWEET. Were any payments made to the father under this reinstatement of the policy under the bonus?

Mr. BELL. Yes, sir; \$1,159, as well as I remember. There was \$57.50 a month paid when it was reinstated upon the bonus.

As I stated awhile ago, I personally know that the statements sent by the bureau of the premium due of \$6.60 each month came to Gainesville, which is my home town, about a week or 10 days after the death of this soldier.

Mr. GRAHAM. I did not quite finish, Mr. Bell, and have one other question. After the comptroller rendered this decision about the bonus and held that it could not be utilized, did the father or anyone acting for him then attempt to settle these insurance premiums in any other way, or attempt to pay them in any way?

Mr. BELL. Yes, sir; I am glad you asked me that question. This is a letter from the beneficiary, dated October 22, 1921:

"Your letter of 20th just received. I filed claim for Britt's arrears of pay about two weeks after his death. Colonel Dean wrote the letter for me and gave explicit directions to deduct two months' premiums on insurance policy."

It was only two months, because, as you know, they have 31 days of grace, I believe.

"Several months afterwards the department wrote that there were no funds available to pay the arrears."

"Some time in 1920, perhaps the latter part of the summer, I received about \$20, with a statement that the balance could not be paid till an appropriation was made. About the last of October, 1920, I received the balance of about \$90, the department stating that they had discovered a fund from which they could take it."

Now, the soldier knew about how much was due him. He did not know exactly, but he knew there was money enough due him for arrears of pay to cover the policy for at least two years, and so stated to his father.

Now, as the letter discloses, at the time this pay was asked for, the department stated there were no funds with which to pay this amount. Later on, on September

23, 1920—and this is a letter from the Auditor of the War Department which I will just read:

"NOTE.—Of the amount due in this case, \$23.65, in certificate 84472 will be paid at once. The remainder, \$91.20, in certificate 84473, for which there is now no appropriation, will be reported to Congress as early as is practicable, and paid when funds for the purpose become available."

That shows, gentlemen, that the Government did owe this soldier at the time of his discharge and at the time of his death, and at the time of the lapse of his policy \$114.85, which was withheld and for which, as a matter of course, the soldier was in no way responsible.

I filed a brief with the Veterans' Bureau. That was referred to the Comptroller of the Treasury, and I shall want to leave my brief and the decision of the comptroller with the committee for your consideration. The comptroller determined that although the Government owed the soldier at the time the amount I have stated, that it could not apply to the payment of the premiums on his policy because he had made no notation in his final settlement with the Government. He had no final settlement with the Government. He knew that there was money due him by the Government and these arrears of this \$114.85 which was due him occurred while he was a cadet and not after he became an officer. There was no way by which he could make a notation on his report. When discharged he was an officer, but this amount due him occurred while he was a cadet, and was a matter which he had no control over at all.

Mr. MAPES. Was he a member of the West Point Military Academy?

Mr. BELL. No, sir; he was an enlisted man.

Mr. MAPES. What do you mean by a cadet?

Mr. BELL. That is what we term a private; but I believe they called them cadets in the Aviation Corps.

Mr. MAPES. What I had in mind was whether his pay came through the same channels or from the same source in the Government as all other pay of soldiers.

Mr. BELL. That, Mr. Mapes, I do not know. I imagine, however, it all came through the War Department.

I want to ask permission to leave with you my brief filed with the Veterans' Bureau and the decision of the comptroller, and I want to say just this one thing: I have prepared an amendment which I believe ought to be adopted, and it is to follow section 408 of the Sweet bill.

"Provided further, That in any case where there were arrears of pay due the soldier sufficient to cover all premiums due at the time of lapse of his insurance, then and in that event the policy shall not be considered as lapsed, and the Director of the Veterans' Bureau is hereby directed to reinstate such insurance and pay the amount due the beneficiaries of said soldier under said policy the amount of said insurance less the premiums and interest thereon at 5 per centum per annum compounded annually in installments as provided by law."

I thank you very much, gentlemen.

The CHAIRMAN. We are very much obliged to you, Mr. Bell, and the committee will reconvene to-morrow at 10 o'clock.

(The letters referred to by Mr. Bell follow.)

A BRIEF.

There was at the time of discharge and at the time of the death of Britt Craig an amount due him as arrears of pay which accrued while he was a private or a cadet. After his discharge and while on a visit home he told his father there was an amount due him by the Government sufficient to keep his policy alive for two years or more and that he was leaving it there for that purpose.

No notices of premiums due on his policy after his discharge were sent to the soldier until about 10 days after his death, which occurred on March 18, 1919, and these notices were then received by his father, who then applied for the arrears due the soldier and requested the bureau at the time in writing to deduct the necessary amount to pay the premiums due. It later developed that there was \$114.85 due the soldier, but at that time the policy had been reinstated upon the unpaid bonus of \$60. This insurance, however, was subsequently dropped on account of a decision of the Comptroller of the Treasury that a bonus could not apply on reinstatement.

The arrears of pay certainly, in my judgment, should have applied to the reinstatement of the lapsed insurance and justice and equity demands relief for the beneficiary in this case.

JULY 6, 1922.

Hon. C. R. FORBES,
Director Veterans' Bureau,
Washington, D. C.

MY DEAR SIR: Some time ago I requested you to submit to the Comptroller General for his decision a question arising with regard to the lapsing of insurance of a soldier who had due him at the time of his death an amount in excess of the amount due from him in payment of his insurance. The specific case was that of Lieut. Britt Craig, who entered the military service June 21, 1917, applied for \$10,000 insurance January 31, 1918, was discharged from the service December 11, 1918, and died March 18, 1919.

You submitted this question to him on February 27, 1922, copy of his letter herewith attached, and he replied under date of March 25, 1922, copy of portion of his letter bearing upon this case herewith attached.

Now, the reason I bring this question to your attention again is there was a statement made in your letter which was evidently misleading. In the second paragraph of your letter you say—

"No premiums were paid on said insurance prior to the death of insured."
This was not the case, as all premiums were paid on this insurance up to the discharge of the soldier by deductions from his monthly pay. The records disclose that he applied for insurance January 31, 1918, and premiums of \$6.60 were deducted for the month of January, 1918, and each month thereafter while he was in the service, including December, 1918, the month of discharge. It will be seen from this that 12 premiums of \$6.60 each were deducted from his pay while in the service.

The Comptroller General mentions in the third paragraph of his letter that you did not state whether or not Lieutenant Craig's application for insurance contained the authorization for deduction of premiums from his pay or deposits. The application did authorize the necessary monthly deduction, and contained the following language:

"I authorize the necessary monthly deduction from my pay, or if insufficient, from any deposit with the United States, in payment of the premiums as they become due, unless they be otherwise paid."

These deductions were made while the insured was in the service, but it is claimed that this did not apply after he was discharged and that for nonpayment of premiums by the insured the policy lapsed.

Ordinarily for nonpayment of premiums policies would lapse, but the insured in this case considered that the premiums were paid as they became due inasmuch as there were amounts due him by the Government (the bonus of \$60 and arrears of pay \$114.85). As you are aware, at the death of the insured an award of insurance was made to the beneficiary upon the grounds that the \$60 bonus would take care of the premiums, but this award was afterward annulled by a decision of the Comptroller General that unpaid bonus could not apply on reinstatement of insurance. This seemed just inasmuch as the bonus was not actual pay due the soldier for services rendered, but in the nature of a gratuity. The reinstatement so far as the bonus was concerned was dropped and no contention is made along that line, but there were amounts due the soldier—actual pay due him for services rendered—and these amounts were not paid to him upon discharge but were withheld by the Government.

The insured knowing that there were amounts due him and also that if a contract of insurance provided that premiums were to be deducted from pay or deposit, then "the premium when due will be treated as paid whether or not such deduction is in fact made, if upon the due date the United States owe him or her on account of pay or deposit an amount sufficient to provide the premium."

It is beyond controversy that upon the due date of premium the United States owed the soldier amounts more than sufficient to cover the premiums, and these amounts account of pay not gratuity, and the insured knowing that this was the case, naturally treated the premiums when due as in fact already paid.

Again, the Comptroller General says in his letter to you:

"His insurance either was of no effect or it lapsed upon his failure to pay the first premium within the required time or have it deducted from his pay, he being an officer charged with the duty of making up his own monthly pay voucher."

As a matter of fact, the insurance had not lapsed when the insured was discharged, and this statement no doubt was made upon the presumption that no premiums had been paid upon the policy.

I inclose herewith copy of affidavit made by the father, W. H. Craig, the beneficiary of the insurance, which shows clearly the intention of the insured. Allow me to say here that I have known Mr. W. H. Craig for 40 years, and he is reliable in word and deed and his affidavit not to be questioned.

I believe it is your desire to give justice where justice is due; to interpret the law and render such decisions as are not only technically tenable but just and equitable, and, in my opinion, if your office will investigate the details of this case as herein presented, and which are true, further decision of the comptroller will not be necessary; but if in your opinion you do not consider the reinstatement of this insurance justifiable, I trust you will again refer the matter to the comptroller.

Very respectfully,

FEBRUARY 27, 1922.

THE COMPTROLLER GENERAL OF THE UNITED STATES,
Washington, D. C.

SIR: A question has arisen in regard to your decision of September 14, 1920, relating to the lapsing of insurance of a soldier who had due him at the time of his death an amount in excess of the amount due from him in premiums on his insurance.

The specific case which calls for this submission is that of Lieut. Britt Craig. He entered the military service June 21, 1917, and on January 31, 1918, applied for \$10,000 insurance. He was discharged from the service December 11, 1918, and died March 18, 1919. No premiums were paid on said insurance prior to the death of insured. The Auditor for the War Department has reported that there was due Lieutenant Craig at the time of his death, in addition to the \$60 bonus, service pay in the amount of \$114.85.

The question decided in your opinion of September 14, 1920, is that the \$60 bonus, so called, provided by section 406 of the act of February 24, 1919 (40 Stat. 1151), to which soldier was entitled but never collected, can not be applied by this bureau toward the payment of premiums due on soldier's insurance. In your opinion it is stated, however, that "premiums are payable monthly, and it seems clear that the 'pay' from which monthly premiums are authorized to be deducted is the monthly military or naval pay which may be due to the insured at the time monthly premiums fall due."

The specific question presented is whether insurance in this case lapsed in view of the fact that there was due insured at the time of his death an amount of service pay in excess of the amount due from him for premiums on his insurance.

Very truly yours,

LEON FRASER, Acting Director.

GENERAL ACCOUNTING OFFICE,
Washington, March 25, 1922.

DIRECTOR UNITED STATES VETERANS' BUREAU.

SIR: I have your letters of February 27, 1922, and March 11, 1922, requesting decision whether policies of war risk insurance lapsed for failure to pay premium within the specified time in cases where the insured has arrears of pay, or retainer pay in the Naval Reserve due and not paid at the time of discharge.

You submit the facts of two cases as typical of the two classes referred to. The first case is that of Lieut. Britt Craig who entered the military service June 21, 1917, and applied for \$10,000 insurance January 31, 1918. He was discharged from the service December 11, 1918, and died March 18, 1919. You state that no premiums were paid on this insurance prior to the death of the insured, and that the Auditor for the War Department reported that there was due Lieutenant Craig at the time of his death service pay to the amount of \$114.85.

You do not state whether or not Lieutenant Craig's application for insurance contained the authorization for deduction of premiums from his pay or deposits. Whether it did or did not contain such authorization is not material. His insurance either was of no effect or it lapsed upon his failure to pay the first premium within the required time or have it deducted from his pay, he being an officer charged with the duty of making up his own monthly pay voucher. (26 Comp. Dec. 99.) The insurance having been ineffective, or having lapsed and not thereafter been reinstated prior to his death, was not in effect when he died, and upon the facts stated no insurance is due or payable to his beneficiary.

(The remainder of letter relates to the other case.)

J. R. McCARTY,
Comptroller General.

NOTICE OF SETTLEMENT.

TREASURY DEPARTMENT,
OFFICE OF THE AUDITOR FOR THE WAR DEPARTMENT,
Washington, D. C., September 23, 1920.

W. H. CRAIG,
Gainesville, Ga.

SIR: Your claim for pay as father of Harvey Britt Craig, cadet, and second lieutenant, Air Service, has been allowed and there has been found due from the United States \$114.85 payable from the following appropriations:

Pay, etc., of the Army, 1919.....	\$23.65
Pay, etc., of the Army (certified claims).....	91.20

Statement of account.

Pay from Apr. 1 to June 30, 1918, at \$100.....	\$300.00
Pay from July 1 to Aug. 13, 1918, at \$49.50.....	70.95
	370.95

Debits, pay originally received from—	
Apr. 1 to 31, 1918.....	\$58.80
May 1 to June 30, 1918, at \$75.....	150.00
July 1 to Aug. 13, 1918, at \$33.....	47.30
	256.10
	114.85

NOTE.—Of the amount due in this case \$23.65 in certificate 84472 will be paid at once. The remainder, \$91.20, in certificate 84473, for which there is now no appropriation, will be reported to Congress as early as is practicable, and paid when funds for the purpose become available.

War settlement warrant No. — inclosed herewith is in full settlement of your claim.

Respectfully,

J. L. BAITY,
Auditor for the War Department.
By G. M.

OCTOBER 25, 1919.

HON. THOMAS M. BELL,
House of Representatives, Washington, D. C.

SIR: I have the honor to acknowledge the receipt of your letter of the 18th instant, relative to the case of Britt Craig, in which you state that a check for \$60 bonus was issued after the death of the soldier and was never cashed, and that you have returned the check to the zone finance officer.

You request that the matter be taken up and the arrears of pay due the soldier paid to his father, William Harvey Craig, of Gainesville, Ga.

You are advised that a claim filed by W. H. Craig, of Gainesville, Ga., for arrears of pay, etc., and a fourth Liberty bond, as heir of the officer, Britt Craig, Second Lieutenant, A. S. A., was disallowed on October 11, 1919, for the following reasons:

"The officer on his final pay voucher received all the arrears of pay due him. Ten dollars deducted from the officer's pay, \$5 each for October and November, 1918, for a fourth Liberty bond, was also refunded to the officer on his final pay voucher."

It may be proper to state that the heirs of a deceased officer or soldier are not entitled under the law to the \$60 bonus.

A carbon copy of this letter is inclosed for your files.

Respectfully,

Auditor for the War Department.

TREASURY DEPARTMENT,
Washington, November 17, 1920.

MR. WILLIAM HARVEY CRAIG,
Gainesville, Ga.

SIR: In connection with the insurance award approved in your favor on account of the death of Britt Craig, you are advised that the records of the bureau indicate that the deceased soldier had allowed his insurance to lapse by the nonpayment of insur-

ance premiums. While in the military service of the United States, the insured had authorized deduction of premiums from any pay or deposit due him from the United States. As long as he was in active service, premiums were deducted from his pay, but upon his discharge there was no source from which premiums could be deducted. However, Congress authorized the payment of a \$60-bonus under certain prescribed conditions and restrictions to be paid to persons honorably discharged from the military or naval service. It was believed that if this bonus was unpaid at the time of the death of the insured, it could be charged with the payment of the premiums due and thus bring the insurance to life; therefore, the award in this case was made under these circumstances. However, it has been held that these bonuses could not be so charged and the awards made on them were illegal. It is, therefore, necessary to discontinue the insurance award as of the beginning date and request that you refund \$1,059.11, the amount paid you.

This refund may be made by money order or draft drawn to the order of the Treasurer of the United States and mailed to the Division of Receipts and Disbursements, Bureau of War Risk Insurance, Washington, D. C., with this letter or a copy thereof. By authority of the director.

Respectfully,

R. H. HALLETT,

Assistant Director, in charge of Compensation and Insurance Claims Division.

OCTOBER 24, 1919.

HON. THOMAS M. BELL,
House of Representatives, Washington, D. C.

DEAR MR. BELL: This will acknowledge receipt of your letter of October 18, with reference to insurance applied for by the late Britt Craig, formerly second lieutenant, A. S. S. C.

In reply you are advised that under date of October 8, an award of insurance amounting to \$57.50 per month for 240 months was made in favor of Mr. William Harvey Craig, 36 Park Street, Gainesville, Ga., father of the deceased soldier and the beneficiary designated in his application for insurance.

I am pleased to inclose a copy of this letter for your use.

Very truly yours,

R. G. CHOLMELEY-JONES, Director.

NOVEMBER 1, 1919.

HON. THOMAS M. BELL,
House of Representatives, Washington, D. C.

DEAR MR. BELL: This will acknowledge receipt of your letter of October 28, with reference to award of insurance recently made in favor of Mr. William Harvey Craig, 36 Park Street, Gainesville, Ga.

In reply you are advised that under date of October 9, a check in the amount of \$369.11, covering accrued payments due on this award up to September 30, 1919, was mailed to Mr. Craig.

Inclosed is a copy of this letter for your use.

Very truly yours,

R. G. CHOLMELEY-JONES, Director.

GAINESVILLE, GA., October 22, 1921.

DEAR TOM: Your letter of 20th just received. I filed claim for Britt's arrears of pay about two weeks after his death. Colonel Dean wrote the letter for me and gave explicit directions to deduct two months' premiums on insurance policy. Several months afterwards the department wrote that there were no funds available to pay the arrears.

Sometime in 1920, perhaps the latter part of the summer, I received about \$20, with a statement that the balance could not be paid till an appropriation was made. About the last of October, 1920, I received the balance of about \$90, the department stating that they had discovered a fund from which they could take it.

Your friend,

W. H. CRAIG.

Britt Craig enlisted as a private in the Aviation Section, Signal Corps of the Army June 21, 1917.

He was made a second lieutenant August 14, 1918.

He was discharged on December 11, 1918.

He died March 18, 1919.

Award of insurance made account of bonus October 8, 1919.

Discontinued November 17, 1920.

Britt Craig applied for insurance January 31, 1918 for \$10,000.

Monthly deductions of \$6.60 were made from his pay up to and including December, 1918.

OFFICE OF COMPTROLLER GENERAL OF THE UNITED STATES,
Washington, September 30, 1922.

DIRECTOR UNITED STATES VETERANS' BUREAU.

SIR: I have your letter of September 5, 1922, as follows:

"I submit for your consideration and decision the question whether or not William H. Craig, who is named as beneficiary in a policy of insurance for \$10,000 which was issued to his son, Lieut. Britt Craig, January 31, 1918, is entitled to receive the amount of the policy, based on the following statement of facts:

"Britt Craig enlisted as a private in the Aviation Section, Signal Corps of the Army, June 21, 1917. He applied for \$10,000 insurance, January 31, 1918, payable to his father, William H. Craig. On August 14, 1918, he was commissioned a second lieutenant, and on December 11, 1918, he was discharged from the service for convenience of the Government. He died in New York, N. Y., March 18, 1919, of broncho-pneumonia influenza, which does not appear to have been of service origin. Monthly deductions of \$6.60 were made from the pay of the insured to pay the premiums up to and including the month of December, 1918, when he was discharged from the service. No premiums were paid or deducted from pay due him from the Army after his discharge.

"At the time of the death of the insured, although he had been out of the service for three months, there was due him as active service pay, as evidenced by the notice of settlement from the Auditor for the War Department, dated September 23, 1920, the sum of \$114.85.

"The policy was properly issued, based upon the insured's application for insurance, which provided for the necessary monthly deductions from his pay or from any deposit with the United States.

"At the time of the death of the insured, Treasury Decision No. 33 W. R., dated September 20, 1918 was in force, section 1 of which provides that insurance granted under Article IV of the war risk insurance act will not be permitted to lapse for non-payment of premiums while the insured is in the active military or naval service, and premiums therefor are authorized to be deducted from the insured's pay or deposit. Section 2 provides that the insurance shall lapse and terminate if at any time after so leaving the service the whole or any part of any premium therefor after accruing is not paid promptly when due or within 31 days thereafter.

"In view of the provisions, in the application for insurance, to deduct the premiums from his pay, or from any deposit with the United States, and the fact that the insured did not collect or attempt to collect the service pay due him from the Army after his discharge, did the policy of insurance lapse, or is the beneficiary of the policy entitled to the amount thereof?"

The case of Lieut. Britt Craig was one of two cases decided by this office March 26, 1922, upon an erroneous statement of facts. That decision was based upon the assumption that no premiums had been paid on the insurance, and decision rested upon that assumption. Correction of this error of fact by your present submission raises the question whether the fact that there was due to this insured and unpaid at the time of his discharge and at the time of his death arrears of pay to amount in excess of the aggregate amount of premiums falling due between his discharge and death is sufficient to prevent a lapse of the insurance for failure to pay premiums.

Section 400 of the war risk insurance act of October 6, 1917 (40 Stat. 400), provides therein "upon the payment of the premium as hereinafter provided." Section 402 of the act provides that the director of the Bureau of War Risk Insurance shall promptly determine upon and fix the full and exact terms and conditions of such contract of insurance. Section 404 provides that regulations shall prescribe—

"The time and method of payment of the premium of the premiums thereon, but payment of premiums in advance shall not be required for periods of more than one month each and may be deducted from the pay or deposit of the insured or be otherwise made at his election."

Bulletin No. 1, issued by the director under date of October 15, 1917, published the terms and conditions of the statutory insurance contract in accordance with the provisions of section 402. That bulletin provides:

"Premiums shall be paid monthly on or before the last day of each calendar month, and will, unless the insured otherwise elects in writing, be deducted from any pay due him/her from the United States or deposit by him/her with the United States, and if so to be deducted a premium when due will be treated as paid, whether or not such deduction is in fact made, if upon the due date the United States owe him/her on account of pay or deposit an amount sufficient to provide the premium, provided that the premium may be paid within 31 days after the expiration of the month, during which period of grace the insurance shall remain in full force. If any premium be not paid, either in cash or by deduction as herein provided, when due or within the days of grace, this insurance shall immediately terminate; but may be reinstated within six months upon compliance with the terms and conditions specified in the regulations of the bureau."

Treasury Decision No. 33 W. R., dated September 20, 1918, promulgated regulations to govern lapse or other termination of war risk insurance as follows:

"(1) The insurance granted under Article IV of the war-risk insurance act will not be permitted to lapse for nonpayment of premiums while the insured is in the active military or naval service, and premiums therefor are authorized to be deducted from the insured's pay or deposit.

"(2) The said insurance shall lapse and terminate if, at the expiration of the period of 31 days after the insured leaves the active military or naval service for reasons other than stated in section 29 of the war risk insurance act (enemy alien, conscientious objector, deserter, etc.) the whole or any part of any premiums which were in arrears at the time of his so leaving the service remains unpaid, or if at any time after so leaving the service the whole or any part of any premium thereafter accruing is not paid promptly when due or within 31 days thereafter."

It is clear that the deduction of premiums from pay contemplated and provided for by the statute, the bulletin, and the regulation is a deduction by disbursing officers of the Army from pay as it accrues monthly to the insured of premiums as they become due and payable monthly under war risk laws and regulations. The authorization by the insured of such deduction is nothing more than an exercise of the privilege given by the statute of having premiums deducted by the disbursing officer from his pay as they fall due instead of having them paid directly by remittance to the bureau by the insured or by some one in his behalf. The provision in the bulletin that, if premiums are to be so deducted they will be treated as paid whether deducted or not, if upon the due date the United States owe the insured on account of pay an amount sufficient to pay the premium, clearly has relation to pay owing and subject to deduction on the due date of the premium.

Premiums are subject to deduction from the pay of officers of the Army only upon their own notation on their pay account. This officer's pay was not subject to such deduction except upon authority of such notation by him. (I gather from the submission that he did not present his final pay account to the Army for settlement, and died without drawing his final installment of Army pay.) If, before his death, he had presented his final account with proper notation for deduction of such premium or premiums as became due and payable before his death, a different question would arise. It does not appear, however, that he authorized the deduction of these premiums from his pay. His failure to give such authorization or to provide otherwise for payment of the premiums caused lapse of the insurance.

The general authorization for deduction of premiums from his pay given by him as an enlisted man at the time of his application for insurance related only to his pay as an enlisted man. His pay accounts as an officer after receipt of his commission were subject to settlement under the same laws and regulations governing settlement of other officers' accounts, and were not subject to deduction of premiums except upon his notation to that effect, notwithstanding the authorization given by him as an enlisted man.

Respectfully,

J. R. McCARL,
Comptroller General.

GEORGIA, Hall County:

Before me, R. W. Smith, an officer authorized to administer oaths, personally came W. H. Craig, who on oath says:

That he is the father of Lieut. Britt Craig, deceased, of the United States Air Service, who took out a policy for \$10,000, of which deponent was beneficiary; that when said Britt Craig came to receive his commission as lieutenant he wrote deponent that

because of default of the Government in the payment of his salary he had not sufficient money to buy a uniform; that deponent furnished the money to buy said uniform; that when said Britt Craig returned home after his discharge he told deponent that he was unable to pay the money furnished, but was going to keep up the insurance in deponent's favor; that the arrears of pay were still due him—enough to keep the premiums paid for two years—and intended to let it go that way.

Deponent further says that said Britt Craig's address on file with the War Risk Insurance Bureau was Gainesville, Ga.; that no notice or notices of premiums due were sent to him or to deponent during the months of January or February or March, 1919, but that about two weeks after the death of said Britt Craig, which occurred March 15, 1919, notices of premiums due for January and February and March, 1919, were sent to Britt Craig, Gainesville, Ga., 10 days after deponent had notified the bureau of the death of said Britt Craig.

Deponent further says that he believes that said Britt Craig in good faith intended and believed that the premiums on his insurance policy were being deducted from the arrears of pay due him by the Government.

W. H. CRAIG.

Sworn to and subscribed before me, August 1, 1921.

R. W. SMITH,
Clerk Superior Court, Hall County, Ga.

GEORGIA, Hall County:

We hereby certify that we have known the maker of the above affidavit, Mr. W. H. Craig, for a number of years; that he is truthful, honest, and upright, and that his statements are entitled to full faith and credit.

Witness our official signatures and seals of our respective offices, this August 1, 1921.

[SEAL.]

R. W. SMITH,
Clerk Superior Court, Hall County, Ga.

[SEAL.]

W. D. WELCHER,
Ordinary, Hall County.

A true copy.

MIRIAM EDWARDS,
Notary Public, District of Columbia.

(The committee thereupon adjourned until Saturday, January 27, 1923, at 10 o'clock a. m.)

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE,
HOUSE OF REPRESENTATIVES,
Saturday, January 27, 1923.

The committee met at 10 o'clock a. m., Hon. Samuel E. Winslow (chairman) presiding.

The CHAIRMAN. If the members of the committee will give their attention, we will proceed with the consideration of the Veterans' Bureau bill, so called, H. R. 14003.

Will Colonel Taylor kindly make such statement as he chooses to the committee, and state to the reporter his name and the capacity in which he appears or whom he represents?

STATEMENT OF COL. JOHN THOMAS TAYLOR, VICE CHAIRMAN OF
THE NATIONAL LEGISLATIVE COMMITTEE OF THE AMERICAN
LEGION, WASHINGTON, D. C.

Colonel TAYLOR. Before touching specifically on the bill, Mr. Chairman, I would like to just sketch for a minute the method by which the American Legion has arrived at the recommendations that it desires to make so far as the disabled men's legislation is concerned.

The legion, like other organizations, meets once a year in national convention. The legion is established in departments, each department being within a State, and every post within that State being a part of that department. Each post in the American Legion—and there are 11,993 posts—has a rehabilitation officer whose job and function it is to take care of the interests of the disabled ex-service men who might belong to his post and the disabled ex-service men in his particular locality. The members of the post visit the hospitals and keep in contact with the disabled men. They make their reports to the department or State officials and each department has its rehabilitation officers. Each department has a rehabilitation committee with an expert on tuberculosis and mental cases and general cases. Then, following the plan of the Veterans' Bureau, which to-day is divided into 14 regional districts, so

the legion functions in 14 regional districts, and in each one of those districts has what we call a liaison officer. The departments in that regional district send their departmental rehabilitation officers monthly to a meeting, and the adjutant or the secretary of that meeting is this liaison officer, who ties in with the Veterans' Bureau and who is actually located in the regional office of the Veterans' Bureau.

These rehabilitation men, both post, department, and regional district men, are in constant contact with the disabled men. All of these men are volunteers, there is no pay attached to it except for the liaison men. We have observers in all the hospitals so that we are constantly in contact with the disabled man and we have been since the establishment, at least, of the legion. We feel, therefore, that from this constant daily contact with the disabled men and their problems, we are perhaps in a position to make recommendations relative to the improvement of their condition and relative to the amendment of the war risk insurance act.

We appreciate the fact that the war risk insurance act in the very beginning was a hasty piece of legislation. It was a new problem to this country, the great number of soldiers and sailors and marines involved being one of the elements, and it was something that had to be done quickly. As time went on and experience proved that while fundamentally it was right, it was not in practice working out just as it should, there came amendments to the law considered by your committee, and the law is to-day a better functioning law, so far as the disabled man is concerned, but there are still changes which experience teaches us should be made in the law.

The legion draws its recommendations from the experience of all these rehabilitation men and from all of the experts, tuberculosis and neuropsychiatric, which it has drafted to make suggestions. These rehabilitation men in attending their posts make such recommendations as they think they should, in the form of resolutions and those resolutions are passed on to the department convention, which is also held once a year. At that department convention the department rehabilitation officers get together and they consider the resolutions and report favorably such as they think should have some action at the national convention. At the national convention, which is held once a year, the experts on the question of the disabled and the rehabilitation of the disabled form what we call our convention committee on rehabilitation, and then all of these recommendations, in the form of resolutions, which have come down from the men themselves through the posts, through the departments to the national convention, are there considered by this convention committee on rehabilitation, and such as they consider advisable are reported to the convention, and the convention either approves or disapproves them.

If approved, they come down here to our national legislative committee, and I might say, that there are hundreds and hundreds of resolutions that find their initiation in posts and finally travel down through to the national convention, but out of the national convention there are usually just 5 or 10 or 15 resolutions which the national convention considers it advisable to recommend for legislative action.

I just wanted to sketch that little background to give you some idea that this is a subject to which the Legion through men who are in actual contact with the disabled have given careful thought and consideration, and we feel we are in a position to make suggestions and recommendations to this committee; and it was some of those resolutions that were adopted at the 1921 convention and the 1922 convention at New Orleans that finally found their way in some shape into H. R. 14003.

We had some conferences with the chairman of your subcommittee, after our conventions, and out of that conference came H. R. 11195, and I find that in H. R. 14003 are all the recommendations that were contained in H. R. 11195 and two additional sections.

Let me say here that H. R. 11194 and 11195 were taken by me to our national convention at New Orleans and presented to our convention committee on rehabilitation, and those bills were gone over paragraph by paragraph, and our national convention recommended the earnest consideration by this committee of those two bills, and urged their passage by this Congress.

Section 29 is not contained in H. R. 11195 and I note that it is very broad in its expressions, and it is not restricted only to those honorably discharged. I note also that in line 19 on the second page apparently the insane are protected, which, of course, meets with the hearty approval of the American Legion.

The next section is covered by a resolution of our convention.

Mr. GRAHAM. Mr. Taylor, you speak of line 19; I hastily compared section 29 of the act of August 9, 1921, with this section 29 and I could not find any difference in line 19, although I may have overlooked it. It seemed to me that the only new matter was in lines 9 to 11 on page 1, "of which he has been found guilty by a general court-martial" and the proviso on page 2 referring to neuropsychiatric disabilities. Am I right about that?

Colonel TAYLOR. I could not tell you that because I did not compare them.
 Mr. SWERTY. I may say, Mr. Graham, that you are right about that.
 Colonel TAYLOR. The second part of that section 29 is covered by a resolution of our convention, which I would like to read into the record; that is, our convention of 1922.
 Mr. HUDDLESTON. What do you refer to as being the second part?
 Colonel TAYLOR. Beginning with "Provided further" on line 21 of page 2:
 "That legislation be enacted authorizing the Director of the United States Veterans' Bureau to reinstate and continue in force insurance of neuropsychiatric cases who have no guardians duly appointed by law."
 This was set out in a bill that I prepared and had introduced by Congressman Reece, entitled H. R. 13407.

I might say to you gentlemen that I would like to just go through the bill itself and then make a few recommendations that are not contained in the bill, which I believe is permissible, Mr. Chairman.

The CHAIRMAN. Yes.
 Colonel TAYLOR. And then call on the chairman of our national rehabilitation committee, who knows the intricate workings of the law and let him explain that to you.
 Mr. MAPES. While you were discussing the organization of the American Legion, just for my own information, I was curious to know how it was financed. How are the expenses of the legion met?
 Colonel TAYLOR. The present expenses or in the beginning how the expenses were met?

Mr. MAPES. Now.
 Colonel TAYLOR. Every member of the American Legion pays into his post such dues as the post itself shall require. A post might charge \$3 a year or it might charge \$5 a year or it might charge more, according to the character of the men that belong to it, and out of the post dues there is deducted \$1.25 cents of which goes to the national headquarters for the conduct of the national organization and 75 cents of which goes to pay for the American Legion Weekly, the official publication of the American Legion.

Mr. MAPES. And how many members of the legion are there?
 Colonel TAYLOR. The membership begins on the first day of every year. You see it ceased at the end of the year, and on December 31 there were 988,626 members. Then, of course, that ceased on December 31 and began again on January 1, and I might say that I was out in Indianapolis on the 14th day of the month and the renewal, as we call it, this year, is about 40 per cent better than it was last year.

Mr. MAPES. Are the expenses of the national organization somewhere near the total receipts?

Colonel TAYLOR. I think last year they were a little more, and in compliance with the act of incorporation of the American Legion, Public Law 47 of the Sixty-sixth Congress, I filed just about the first of the year a complete report of everything that is done by the legion. That is filed with the Speaker of the House and it contains a full itemized and audited account of their income and their expenditure.

Mr. JOHNSON. Where is that report now?
 Colonel TAYLOR. That was submitted to the Speaker of the House just prior to the first of the year and was presented to the House. I could not tell you the exact date. I know it was about two or three weeks ago, and it is a complete record of the activities of the legion for the entire year so far as finances are concerned, with every penny in and every penny out.

Mr. JOHNSON. And that is available to the committee.

Colonel TAYLOR. I do not know.

Mr. HUDDLESTON. Was that report printed as a public document?

Colonel TAYLOR. Oh, absolutely.

The CHAIRMAN. What is the total number of persons eligible to membership in the legion?

Colonel TAYLOR. The total number is the total number of men and women who were in the war between April 7, 1917, and November 11, 1918, which, of course, is some four and a half million men and women who were honorably discharged.

The CHAIRMAN. So about 20 per cent of those eligible for membership were actually enlisted as members as of December 31, 1922.

Colonel TAYLOR. Well, Mr. Winslow, we have a paper membership of about one million and a quarter; but, as I say, last year on December 31 the paid-up membership was something close to a million.

The CHAIRMAN. The paper membership you simply carry along in the hope that some day or other they will come in again.

Colonel TAYLOR. Well, we work on the theory that once a legionnaire, always a legionnaire.

The CHAIRMAN. I am not trying to hedge you at all.

Colonel TAYLOR. I understand that thoroughly.

The CHAIRMAN. I simply wanted to know how many were actually represented by you by virtue of their paid-up membership, which we might call the bona fide membership, is about 25 per cent of all those eligible in the country.

Colonel TAYLOR. I should say yes, in round figures. Of course there are lots of ins and outs. There are men who belong this year that did not belong last year. I think the financial condition of the ex-service men last year had considerable to do with it. Then, perhaps, a little disappointment at the failure of the adjusted compensation bill to become a law, possibly, has something to do with it, but there are lots of ins and lots of outs. There is a constantly new membership. That is also contained in the report submitted to the Speaker of the House. The voting strength of the legion at its conventions, both departmental and national, is based upon the actual paid-up memberships 30 days before the date of the conventions.

Mr. GRAHAM. Mr. Chairman, has that report been referred to the committee?

The CHAIRMAN. I could not say that it has. I do not remember seeing it.

Mr. GRAHAM. That report would ordinarily come here, I should think.
 Colonel TAYLOR. Public Law No. 47 requires that it be turned over to the Speaker of the House.

Mr. GRAHAM. The Speaker always refers those reports to the appropriate committee.

The CHAIRMAN. I have no recollection of having seen any reference to any transmittal or any copy of it.

Colonel TAYLOR. It was in the Congressional Record, Mr. Winslow, the day the Speaker presented it.

The CHAIRMAN. I have no doubt about that, but I do not recall that this committee has received it.

Colonel TAYLOR. Section 300 on page 3 is identical with the language that was contained in H. R. 11135 and was considered by our New Orleans convention.

Mr. HUDDLESTON. I believe that you stated you preferred to have some one follow you who will explain the details of this matter.

Colonel TAYLOR. I would. You mean as to its application?

Mr. HUDDLESTON. Yes.

Colonel TAYLOR. Yes; and then I understand there are gentlemen here from the bureau who are thoroughly familiar with its application.

Mr. HUDDLESTON. They are familiar with the application of the old law.

Colonel TAYLOR. Yes.

Mr. HUDDLESTON. I am desirous of having some one explain the purpose and significance of these changes. That is what I had in my mind.

Colonel TAYLOR. Yes. The language on page 4, lines 4, 5, and 6, is covered specifically by a resolution of our convention of 1921:

"That in view of the provisions of section 300 of the war risk insurance act, which provides that any man accepted into the military service shall be deemed to have been physically sound when so accepted, there should be adopted a rule of the bureau to the effect that any man who can prove that at the time of his discharge he had a physical condition which then or later resulted in physical disability, shall be deemed to have received such condition in the service and in line of duty, the burden to be upon the Government to prove conclusively to the contrary before his claim for compensation is defeated."

Mr. GRAHAM. Are you referring to lines 4, 5, and 6 on page 2?

Colonel TAYLOR. Four, five, and six, which read: "shall be held and taken to have been in sound condition when examined, accepted, and enrolled for service, except as to defects, disorders, or infirmities," etc., down to the word "Provided," in line 10.

Mr. GRAHAM. Is that language satisfactory to you?

Colonel TAYLOR. I will leave it to the chairman of the rehabilitation committee to explain that to you. Yes; that language is satisfactory.

Mr. GRAHAM. That is already in the law.

Colonel TAYLOR. That is already in the law?

Mr. GRAHAM. Yes.

Mr. RAYBURN. And I have always wanted to find out why it was not applied. I know exactly why it was adopted. It was adopted more on Mr. Huddleston's suggestion, I think, than anybody else, because he offered it as an amendment to a bill I had in the House before he became a member of this committee, and why that provision of the law has never been enforced by the bureau I have never been able to find out.

Mr. HUDDLESTON. I was just about to say that I offered the amendment in the House because of my experience on the Pensions Committee, where we were constantly confronted by a recitation from the War Department that a discharged soldier had his disability when he enlisted and that the Pension Office accepted the statement as

final, and there is no chance to get a pension through the Pension Office where that kind of statement is made, although nothing was discovered or noted at the time the soldier enlisted.

If some Army surgeon chooses to deprive a soldier of a pension all he has to do is to put down in his record when he is examined for discharge that he had his disability when he enlisted. I was so outraged by the injustice of many cases of that kind that I was moved to make this amendment. And in line with Mr. Rayburn's statement, I would like to know why that provision has never been put into effect. I suppose the bureau is prepared to explain that. I know that in cases of so-called "defective mentality," the bureau seems to have the practice, although the man is found sound when he enlists, but discloses the defective mentality during the two-year period, of holding that if he is decided to be congenitally defective or is a moron, that his disability is not service connected, and refuse him compensation. That is a point I feel very keenly about.

Colonel TAYLOR. That is one of the things that has constantly been brought up at our conferences and it is in this section right here. There are two things we would really like to see through in this bill, and that we are particularly anxious about, and that is, as you gentlemen know, the law previously contained the words, "pulmonary tuberculosis," and this has been changed so as to simply use the words "active tuberculosis" so as to permit men suffering from other forms of tuberculosis, to wit, tuberculosis of the bone or some other kind of tuberculosis, to come within the provisions of the law.

Mr. GRAHAM. It does not say "active." It says "tuberculosis," which is better yet.

Colonel TAYLOR. It says in line 13, "is shown to have an active tuberculous disease."

Mr. GRAHAM. Further along in line 21 just the word "tuberculosis" is used.

Colonel TAYLOR. Yes.

Mr. MAPES. May I interrupt you there?

Colonel TAYLOR. Certainly, Mr. Mapes.

Mr. MAPES. Is this language from lines 4 to 10 that you quote the same as the language in the existing law?

Mr. SWEET. Exactly the same, Mr. Mapes. I may say there are only two propositions of change in this section; one is in regard to having pulmonary tuberculosis changed to active tuberculous disease, and the limitation is extended from two to three years.

Colonel TAYLOR. Yes; that is a point I wanted to touch on.

Mr. MAPES. If I may be allowed to continue a moment, if it is true, as Mr. Rayburn and Mr. Huddleston state, that this language is not enforced or is not sufficient to accomplish what you and others have in mind to accomplish, what good is it going to do to have that language in here?

Colonel TAYLOR. The language is sufficient. The query is put by both Mr. Huddleston and Mr. Rayburn, why does not the bureau follow the specific law?

Mr. MAPES. Can you answer that question?

Colonel TAYLOR. I can not; no; because that has always been a query in my own mind. The law is there and why does not the bureau follow the law? That is the point raised by Mr. Rayburn.

Mr. MAPES. Have you taken it up with the bureau?

Colonel TAYLOR. Oh, we have had it up with them.

Mr. MAPES. What reason do they give?

Colonel TAYLOR. That is a big subject, because that is one of the things we have been quarreling with them about for a very long time.

Mr. MAPES. What reason do they give?

Colonel TAYLOR. I will let Mr. Sparks discuss that.

Mr. MAPES. I do not care to take it up now, if you prefer not to do that, but I am curious you know how you think the reenactment of this language is going to remedy the situation.

Mr. RAYBURN. In this bill they are simply reenacting the whole section with some amendment.

Colonel TAYLOR. Yes; one of them striking out the word "pulmonary" and the other extending the time limitation which at present is two years to three years as written in this bill, and that is one of the points I would like to touch upon.

Mr. MAPES. I am free to say that if the language is clear I do not see why it is not enforced.

Colonel TAYLOR. Mr. Mapes, this portion of the law was written into this bill in order to include certain amendments; is not that correct, Mr. Sweet?

Mr. SWEET. Yes; surely.

Mr. MAPES. But if the language is clear, and everything is definite about it, I do not understand why the bureau does not enforce it and why somebody who is interested does not compel them to enforce it.

Mr. HUDDLESTON. May I suggest that I have examined this section with a great deal of care, just along that line, and there is absolutely nothing in this bill that is going to force a change in the practice to which we have just referred, but to the contrary, the adoption of this section without amendment, and with knowledge of that practice upon the part of the bureau, will be a sort of ratification of the practice.

Mr. MAPES. That is exactly the way it seemed to me and that is the reason I interrupted and asked what we could do to put it into effect.

Mr. HUDDLESTON. We will have to expressly exclude the possibility of interpreting this bill as giving them permission to do the things that are being done now.

Mr. GRAHAM. Mr. Chairman, I would suggest that if there is any language that could be suggested by Mr. Taylor that would strengthen this section, I would like to hear it.

The CHAIRMAN. Colonel Taylor has asked that we postpone these technical questions until he is followed by a man versed in those matters.

Colonel TAYLOR. Yes; it is pretty difficult.

Mr. GRAHAM. I would suggest that we might possibly in line 4, after the word "he" insert the word "conclusively."

Mr. JOHNSON. Mr. Chairman, I want to ask the gentleman a question, and in that connection would like to have Judge Sweet's attention. I note you strike out the word "pulmonary."

Mr. SWEET. Yes.

Mr. JOHNSON. And insert the words "active tuberculous," why do you use the word "active"? I have read this bill and I have never understood why you want to use the word "active." Why do you not just say tuberculosis?

Mr. SWEET. If the tuberculosis is not active, it is plain that it is not a progressive disease and the man may be cured.

Mr. HUDDLESTON. The disease may come back at any time.

Mr. SWEET. If it does, then it becomes active.

Mr. JOHNSON. If he is not cured, then he has tuberculosis.

Mr. SWEET. But with active tuberculosis he has a temperature and may have all the indications of a progressive disease. If it is not progressive, then he is not particularly impaired.

Mr. SWEET. I want to say further that so far as I am concerned I am not wedded to the word "active." That is the word that was suggested by the medical experts.

Colonel TAYLOR. Mr. Johnson, I was just going to say that Doctor Kinehart, who is the tuberculosis expert, is here to-day representing the bureau, of course, and on Monday the American Legion will have Doctor Dunn, our own tuberculosis expert, there, and it might be best at that time to thrash out this question.

Mr. JOHNSON. I think probably it will.

Colonel TAYLOR. But there is one other thing, outside of the question of tuberculosis and the striking out of the word "pulmonary" and that is the extension of the time to three years. It is a thing we have given a lot of consideration to, and we respectfully recommend to this committee that that time be changed from three years, as it is contained in this bill, to a period of five years.

Mr. RAYBURN. Why do you recommend that?

Colonel TAYLOR. Because after our careful, practical consideration of it, we do not believe the period of three years is a sufficient length of time.

Mr. SWEET. I know that, but that is not a reason.

Colonel TAYLOR. Well, I will have Mr. Sparks go into that. What I wanted to do, Mr. Rayburn, was to just get the recommendations so far as the legislation is concerned across the table.

Now, on page 5, section 3, beginning with line 9, after the words, "where a person dies before or after discharge or resignation from the service as a result of injury or disease compensable under this act" one of the things we are concerned with is patients dying in hospitals who have not been receiving compensation and who are not compensable.

There is a great number of disabled ex-service men who are in hospitals and who the bureau either has not reached and decided they were not compensable under the present law or, as a matter of fact, they are not compensable, and they die and there is no way in which they can be taken care of and taken back to their homes and buried, no way in which they can be taken care of under the present existing law of \$100 to \$200 meets with our approval. It was carefully considered at our convention and this language was set forth in the bill is the exact language drafted in the resolution adopted by our convention.

Mr. MAPES. Do I understand you recommend striking out the words "compensable under this act" in line 11?

Colonel TAYLOR. Yes. What we would like, Mr. Mapes, is this: We would like, if possible, within this law to make provision for these disabled men who die in hospitals to be properly taken care of and buried.

Mr. MAPES. Whether they are compensable or not?

Colonel TAYLOR. Whether they are compensable or not.

Mr. SANDERS. Does this limit it to those in hospitals?

Colonel TAYLOR. No; this limits it to men who are compensable.

Mr. SANDERS. Suppose you cut out "compensable under this act" that would mean all World War veterans would it not?

Colonel TAYLOR. Yes, it would; but what we would like is provision made for these disabled men in hospitals who have not been declared compensable by the bureau and to have provision made for their burial specifically.

Mr. SANDERS. I should like to inquire, Judge Sweet, if that would in anywise limit it to those who are in hospitals?

Mr. SWEET. No; I do not think so.

Mr. SANDERS. Then, if you strike out the words "compensable under this act" would not that provide this sum to be paid for any soldier of the World War?

Mr. SWEET. I think it would.

Mr. SANDERS. That is not what you desire.

Colonel TAYLOR. No. In the terminology as set forth here that is absolutely correct. Simply striking out the word "compensable" would broaden it out and permit any ex-service man who died to be buried at an expense of not exceeding \$200 paid by the Government. That is not the thought in our minds at all. The thought in our minds was to provide some kind of burial for disabled ex-service men in hospitals who have not been declared compensable by the bureau.

Mr. SANDERS. Of course, the term "compensable under this act" would not necessarily require them to be drawing compensation at the time.

Colonel TAYLOR. No; certainly not; but, Mr. Sanders, if the bureau declares them compensable, they do come within this act if they are in the hospitals, don't they? If a man in a hospital declared compensable by the bureau dies, under the provisions of this bill a sum not exceeding \$200 is provided for his burial expenses. If another disabled man in the hospital dies, who has not been declared compensable, there is no provision whatever made for his burial, and what we are suggesting is that these disabled men in hospitals, disabled soldiers who die in hospitals, that some provision be made, if possible, within this bill to take care of them.

Mr. SANDERS. What change would you suggest in this section 3?

Colonel TAYLOR. Well, we could set it out in that very specific language: "Provided further, That where disabled men die in hospitals who have not been declared compensable by the Veterans' Bureau a sum not exceeding \$200 is hereby provided for their burial expenses."

Mr. SANDERS. You think, then, that section 3 should be changed?

Colonel TAYLOR. To that extent.

Mr. HUDDLESTON. I note that this section does not require that the soldier who dies shall be resident in a hospital.

Colonel TAYLOR. No; certainly not.

Mr. HUDDLESTON. I understood it that a soldier who dies at home shall have this burial benefit.

Colonel TAYLOR. Exactly so.

Mr. HUDDLESTON. That is on the ground that he is a World War soldier?

Colonel TAYLOR. And was a disabled man and died from it.

Mr. HUDDLESTON. Not disabled as a result of his service, however?

Colonel TAYLOR. Oh, yes; otherwise he would not be declared compensable.

Mr. HUDDLESTON. I understood you to say you favored this benefit in noncompensable cases.

Colonel TAYLOR. No, Mr. Huddleston; not at all. The American Legion feels that a disabled ex-service man who dies in a hospital, but who has not been declared compensable by the bureau, should be provided with a proper burial at not to exceed \$200.

Mr. HUDDLESTON. Suppose his disability is a noncompensable disability.

Colonel TAYLOR. Well, grant you that.

Mr. HUDDLESTON. And suppose it is admitted as a fact that it is not service connected.

Colonel TAYLOR. That is just what we were talking about a few minutes ago. It might be through the limitation of the law or through the actual failure of the bureau to carry out specifically the law meeting it.

Mr. HUDDLESTON. Well, suppose the bureau has carried out the law and has found him to be noncompensable.

Colonel TAYLOR. And he dies in a hospital?

Mr. HUDDLESTON. Yes; or he dies in a soldiers' home.

Colonel TAYLOR. Well, we would feel grateful to Congress—

Mr. HUDDLESTON. Do you think we ought to give this burial benefit in that case?

Colonel TAYLOR. That is one of the recommendations of the American Legion.

Mr. HUDDLESTON. Of course, there are a great many soldiers of the American Legion who are now in National soldiers' homes with soldiers of other wars. Do you think we should give a burial benefit to the World War soldier when we do not give it to soldiers of other wars who are in the hospital with him and who die there with him, and have the same lack of service connection that he has to their disability?

Colonel TAYLOR. Are you referring to soldiers' homes or hospitals?

Mr. HUDDLESTON. I refer not particularly to the place where the man dies but to the situation. It does not make any difference whether the soldier dies in a hospital or in a soldiers' home.

Colonel TAYLOR. Except that the soldiers' home is a sort of domiciliary institution and not a place where a man goes for medical treatment on account of his physical disability.

Mr. HUDDLESTON. On the contrary they do go there for medical treatment and it requires a disability to get into a soldiers' home.

Colonel TAYLOR. Yes. I could just clear that up by this statement, that there were so many disabled ex-service men dying in hospitals who, through some reason or other, had not been declared compensable, the reason, as you well know, in every case being specific and different, who were taken away and necessarily buried in a potter's field or some place else where neglected and poor people are buried.

Mr. HUDDLESTON. They are buried in national cemeteries, are they not?

Colonel TAYLOR. No; they are not. They are not buried in national cemeteries at all.

Mr. HUDDLESTON. The thing I am driving at and what I want to get at is very obvious—that is whether you advocate different treatment for World War soldiers from soldiers of other wars.

Colonel TAYLOR. We have never favored any difference in treatment between World War soldiers and soldiers of other wars. We believe that soldiers stand on a parity.

Mr. HUDDLESTON. You are acquainted with the fact that at soldiers' homes, where soldiers die as a result of service-connected disability, and are receiving pensions at the time, the Government does not pay a burial benefit but buries them out of their accrued pensions. That is the law and I presume you are acquainted with that.

Colonel TAYLOR. Yes, sir; I am, because, as a matter of fact, you know they do not hold up the compensation of an ex-service man in a soldiers' home, and therefore there is no accrued amount of pensions or otherwise. Yes, I am acquainted with that.

Mr. HUDDLESTON. You would not advocate a burial benefit for one class of soldiers; that is to say, soldiers of one war which you did not consider just for soldiers of all wars?

Colonel TAYLOR. Well, that is putting the question—

Mr. HUDDLESTON (continuing). Under the same circumstances.

Colonel TAYLOR. Well, that is putting the same question in a sort of roundabout way.

Mr. HUDDLESTON. I want to make it very direct.

Colonel TAYLOR. I did not mean to take issue with you, but here is what we would like. What we would like to see done is provision made for the burial of disabled ex-service men who die in hospitals, who have not been declared compensable by the bureau, and so save them from being buried as paupers.

Mr. HUDDLESTON. Do you desire to extend that benefit to World War soldiers who die in soldiers' homes?

Colonel TAYLOR. We would like it extended to veterans of the World War who die in institutions of that character.

Mr. HUDDLESTON. And you realize, of course, that if we extend it to the soldiers of one war we must extend it to all, because we can not pick out one class of soldiers and give every man in that class a burial benefit and refuse it to other men who are equally entitled to it.

Colonel TAYLOR. Well, of course, I am not here to plead the case of other veteran organizations.

Mr. HUDDLESTON. It is not a question of veterans' organizations, it is a question of soldiers of the United States who have served honorably during a war.

Colonel TAYLOR. I am just passing upon one resolution that was adopted by the American Legion.

Mr. HUDDLESTON. You are speaking for soldiers and not for organizations. Colonel TAYLOR. I am speaking for ex-service men of the World War specifically, but I will make the statement that I believe soldiers are on a parity and should be treated alike.

Mr. HUDDLESTON. I am pleased to have you make that statement, I will say, for myself.

Mr. NEWTON. Colonel Taylor, I sort of got the impression from the first part of your statement that you were trying to meet this situation and this situation only: Here is a man out in my city of Minneapolis who is taken sick and is very ill, and there is not any time for anybody to pass on the question of whether his disability is traceable to his service or not; he has got to have attention and he is immediately moved to the Veterans' Bureau Hospital there. While he is there he dies before there has been any opportunity to pass upon his case as to whether it is compensable or not. Upon his death, his body has to be disposed of, and it was my idea that in cases of that kind, in these emergency cases where there is not time to pass upon the question of whether he is compensable or not, you wanted that particular soldier cared for and provision made for his burial.

Colonel TAYLOR. That is the type of man we have in mind.

Mr. NEWTON. But I gathered from your conversation with Mr. Huddleston, that you not only wanted to take care of that case; but also to take care of any soldier who happened to be in a hospital, whether there was opportunity to fix the question of his being compensable or not. That is somewhat larger than your original proposition.

Colonel TAYLOR. Well, of course, when the legion considered this at its convention, what it had in mind were men in Veterans' Bureau Hospitals under the care of the Veterans' Bureau at the time they died. We had not even thought about the soldiers' homes. We had in mind the character of men you are talking about, a soldier who is in a hospital, dies, and there is no way to take care of him and nothing to take care of him with. We would like to see that he gets buried properly.

Mr. NEWTON. I know of instances of that kind where they have not classified them.

The CHAIRMAN. What difference does it make where they are?

Colonel TAYLOR. Well, a man who dies at home, Mr. Chairman, we had not taken into consideration at all.

The CHAIRMAN. Whether he dies in a hospital or in a hall bedroom of a boarding house, why would you not take care of him also?

Colonel TAYLOR. We had not that in mind. What we had in mind were these claimants of the Veterans' Bureau, these disabled men, who had found their way into hospitals, just as outlined by Mr. Newton.

The CHAIRMAN. Yes; but take a man who on Thursday is taken ill in a hall bedroom, a miserable place to live, but his pride has kept him from going, we will say, into any institution; on Thursday he is taken ill and on Friday he is in a hospital. Thursday he would not get buried by the Government, as you propose, but on Friday he would. What kind of justice is there in that.

Colonel TAYLOR. Of course, Mr. Chairman, you might take that back from the man in the hall bedroom to the man in better quarters and on back to some man who is perfectly well off financially, and the result would be that you would be extending this privilege of a \$200 burial benefit to every ex-service man.

The CHAIRMAN. Can a man not go into one of these hospitals if he is worth a million dollars?

Colonel TAYLOR. Certainly, he can.

The CHAIRMAN. Then how does the matter of his wealth affect it one way or the other.

Colonel TAYLOR. I do not mean that it should affect it one way or the other, but what we were trying to do was to take care of a specific class of men and where a man by reason of his circumstances found himself in a hospital and had not been declared compensable, and died, and there was no way to take care of him, we felt as though it would be doing the right thing if provision was made to bury that man properly.

The CHAIRMAN. Suppose we grant that, should we not go on down the line and in justice to the soldier take care of him if he can not afford to be cared for otherwise, in any event.

Colonel TAYLOR. Frankly, it suits me to see the law made just as broad and as liberal as possible.

The CHAIRMAN. He comes under the direction of the Veterans' Bureau for all the benefits it furnishes, whether he is in a soldiers' home or a hospital, or in his own bed-room.

Colonel TAYLOR. I do not know that he does, when he is in a soldiers' home.

The CHAIRMAN. He comes under all the benefits coming to him through the bureau.

Colonel TAYLOR. So far as compensation itself is concerned; yes, sir.

The CHAIRMAN. So far as he avails himself of them.

Colonel TAYLOR. Yes.

The CHAIRMAN. And you make provision in common for men who are outside of hospitals and outside of soldiers' homes, and those who are in. They all have certain provisions made for them in common.

Colonel TAYLOR. They have; yes.

The CHAIRMAN. Why should they not have the benefit of this provision, if they needed it.

Colonel TAYLOR. That would certainly be agreeable to us.

The CHAIRMAN. You would be accepting up a class of soldiers here otherwise.

Colonel TAYLOR. That would be settleable to us.

The CHAIRMAN. And you would not be doing all the soldiers justice if you simply pinned him down to one institution in order to get this kind of benefit.

Colonel TAYLOR. It is satisfactory to us to broaden it, but what we had in mind is just what Mr. Newton of Minnesota, tried to bring out—the financially distressed man who found his way into a hospital and died, and there was no fund or provision to take care of him.

The CHAIRMAN. He is much better off in many instances than the equally distressed man who has not got into a hospital.

Colonel TAYLOR. I agree with you.

Mr. JOHNSON. I think, Mr. Chairman, we ought not to simply try to please Mr. Taylor or the American Legion. That is the matter with this country now, trying to suit some particular organization. I think we ought to do justice to the soldiers, and if we are going to do this for these soldiers, all soldiers ought to have the same privilege; the Spanish-American War veterans should have the same privilege. I just thought that observation ought to be made in connection with Mr. Taylor's statement that it would be satisfactory to him. I believe this country is getting into a devil of a fix now catering to some particular organization.

Mr. COOPER. Colonel Taylor, are you sure this section would not apply to every ex-service man so far as burial expenses are concerned, whether he is in a hospital or not? It does not say anything about a hospital here.

Colonel TAYLOR. As it is written now?

Mr. COOPER. Yes.

Colonel TAYLOR. Certainly.

Mr. COOPER. This would apply to every ex-service man no matter where he died?

Colonel TAYLOR. Certainly it would.

Mr. COOPER. That is what I wanted to get clear.

Colonel TAYLOR. Yes; and then Mr. Sanders brought out the fact that if the word "compensable" was stricken out there it would apply to every ex-service man and woman in the country whereas we were trying to cover a specific class of men who find their way into hospitals, have not been declared compensable, and die with no provision to take care of them. I say that is the specific class of men we had in mind and were discussing; but we are tickled to death if it is made broad and liberal enough to include every disabled ex-service man whether declared compensable or not compensable, and whether he dies in a hospital or whether he dies at home; but we did not have in mind the elaboration of this law so that it would include the payment of \$200 for the burial expenses of every ex-service man who died.

The CHAIRMAN. And you predicate that benefit or that provision for such benefit on the inability of the man to properly have provision made to have his expenses paid?

Colonel TAYLOR. Not necessarily. He is a disabled man who is a claimant of the Veterans' Bureau when he died. That is what we predicated it upon.

The CHAIRMAN. Then you have in mind to pay the burial expenses of any man, whether with property sufficient to bury him or not, or with friends who are willing to bury him?

Colonel TAYLOR. If he was a claimant of the bureau in a hospital and died, not having proved himself compensable?

The CHAIRMAN. Yes.

Colonel TAYLOR. Our idea was that the law should extend to that class of men whether he took advantage of it or not.

The CHAIRMAN. Suppose he is outside of a hospital?

Colonel TAYLOR. Well, we did not take into consideration every class of disabled ex-service man who was outside of a hospital. We had in mind claimants of the Veterans' Bureau who had gone to a hospital for treatment and who had died and whose case had not been adjudicated compensable.

The CHAIRMAN. Considering the merits of the cases of the soldiers, is not that discriminatory?

Colonel TAYLOR. As I said before, Mr. Winslow, you can make it as broad as you want.

The CHAIRMAN. I would just like to get your idea about it, assuming that we get the attitude of the American Legion on the subject.

Colonel TAYLOR. We do not want any discrimination between any ex-service men; none whatever, whether he is in or out of a hospital, but what we do want is some provision made to take care of disabled ex-service men who find their way into hospitals and who are claimants of the Veterans' Bureau, and who die before having been declared compensable.

The CHAIRMAN. As you state it, would you say to the committee that you feel that your desires, as reflected by what you say, were in the interest, broadly, of all the soldiers of the Legion?

Colonel TAYLOR. Well, that is a pretty close question, isn't it?

The CHAIRMAN. Yes; that is the reason I asked you.

Colonel TAYLOR. We would like the law made just as liberal as this committee sees fit to make it.

The CHAIRMAN. Are you prepared to admit, after this discussion, we will say, that it probably is too restricted to do full justice to all soldiers.

Colonel TAYLOR. Yes; that is right.

Mr. HAWES. There is a big difference there, Mr. Chairman. Extending this provision to everybody would mean the nice little sum of \$900,000,000.

The CHAIRMAN. I think "everybody who is needy" ought to be part of this consideration. It should not be a wide-open allowance to anybody who happened to be a soldier, but a soldier who is needy that we ought to take care of.

Mr. RAYBURN. Do you mean to eliminate disability and include all of them?

The CHAIRMAN. I do not see, Mr. Rayburn, wherein a disabled soldier, who by virtue of his disability has not a dollar on earth, is any more meritorious in respect of a provision of this kind than a man who dies and has not a dollar in the world. The disability does not affect the condition of the man after he dies.

Mr. SANDERS. If he dies from a disability that is due presumably to his service in the United States Government. If he does not die from any such disability, so far as his death is concerned, he is in the same situation as any other man.

The CHAIRMAN. You understand, Mr. Sanders, that this bill requires disability growing out of the service.

Mr. SANDERS. I do not understand, Mr. Chairman, that this section expresses what the witness is testifying to at all. He says one thing and the section says an entirely different thing. I can not conceive of his statement having anything to do with what is provided in this bill.

Colonel TAYLOR. This section in this proposed bill changes the amount provided in the present law, which is \$100, to \$200, and further provides that where the man is so distant from his home that the expenses of transportation are more than \$200, that the transportation will be paid. Now, that is a change in the law from \$100 to \$200 in addition to the other change. What we suggest is this: That if it were possible to include in this paragraph or in any other paragraph—but being pertinent I brought it up here—that men who die in hospitals—you see this provides for compensable men; that is, men who have been declared compensable by the bureau. Now, there are a number of veterans, disabled veterans, who find their way into the hospitals for medical care and treatment, who through one reason or another, either lack of law or failure of its application, are not declared compensable and die in a hospital.

Mr. SANDERS. Colonel Taylor—

Colonel TAYLOR (interposing). I would like to say one thing to answer Mr. Hawes. Mr. Hawes had in mind it might include every ex-service man and woman in the country, whereas, naturally, it would be limited to the men who had made application to the Veterans' Bureau, either by becoming patients of hospitals or otherwise, so it would be limited to the 325,000 applicants of the Veterans' Bureau, would it not, Mr. Hawes?

Mr. HAWES. Certainly. Mr. Taylor, can you prepare the exact amendment, through your legal department, that you want and submit it to the committee?

Colonel TAYLOR. Certainly, I can.

Mr. HAWES. I wish you would.

Mr. MAPES. In my own experience, I knew of a case where a man died in a hospital, and there was no way of getting his body back to his home. I have before me the existing law, and in addition to the fact that it limits the expense to \$100, the payment of it is also limited to the relatives of those men who die before they are discharged from the service.

Colonel TAYLOR. You do not mean in the present war risk insurance act.

Mr. MAPES. Yes; I have that law before me. [Reading:]

"If death occurred on or subsequent to April 6, 1919, and before discharge or resignation from the service, the United States shall pay for burial expenses and the

return of the body to his home a sum not exceeding \$100, as may be fixed by regulation."

Now, it seems to me that if that applies to men who are a long way from home in hospitals, it is perhaps a fair and reasonable provision, but if it is going to apply to everybody, whether he is in a hospital or not, is not the amount rather high?

Colonel TAYLOR. The language in line 9 on page 5 is: "Where a person dies before or after discharge."

Mr. MAPES. So that under the present language you are opening it up to everybody who is compensable under this act, whether he dies before or after his discharge.

Colonel TAYLOR. Exactly so; every ex-service man who has been declared compensable by the bureau, and we are asking that it be extended to those men who were not declared compensable by the bureau and who die in hospitals.

Mr. MAPES. You would still put in the words "if he dies in a hospital."

Colonel TAYLOR. Yes; we will. That is, we will put in claimants of the Veterans' Bureau.

Mr. MAPES. You do not recommend it apply to everybody?

Colonel TAYLOR. No.

Mr. MAPES (continuing). Whether compensable or not, but only to those who are inmates of hospitals?

Colonel TAYLOR. Right.

Mr. GRAHAM. Colonel Taylor, I just want to ask you a question or two for information. I suppose you have given some thought to the pension laws of the United States in comparison with the veterans' act?

Colonel TAYLOR. I have looked them over, sir.

Mr. GRAHAM. Suppose a soldier of the Civil War has not anything but his \$50 a month pension and is suddenly taken sick, do you know of any provision of law by which he can be taken to any hospital and taken care of at the expense of the Government?

Colonel TAYLOR. I do not know, sir.

Mr. GRAHAM. Well, suppose he was a Spanish-American War soldier, do you know of any provision of law by which such a man, suddenly stricken with illness, could be taken any place and be taken care of?

Colonel TAYLOR. Outside of the soldiers' homes, I do not.

Mr. GRAHAM. He can only gain admission to a soldier's home after making certain representations and making application on certain blank forms, but I am speaking of an illness which he has, as a result of which he requires immediate hospitalization. There is no provision of law such as there is for the veterans of this war, is there?

Colonel TAYLOR. None.

Mr. GRAHAM. Well, suppose this old soldier of the Civil War, having been suddenly stricken, is taken by some of his friends to a hospital where he is supposed to pay, and he dies there, do you know of any provision of law by which the Government takes care of him and buries him?

Colonel TAYLOR. No; I do not, personally.

Mr. GRAHAM. There is none that I know of, except that if it is shown that he had any pension left at the time of his death and it was necessary to defray his funeral expenses, by making the proper representation to the Pension Office he can get what is due him.

Now, we have been very liberal with the soldiers of this war—not too much to suit me—but suppose we go further and do what you suggest, and take care of these burial expenses in every case up to \$200. What impression do you think that would make on the rest of the country? How would it affect the morale of men who have served in other wars if we did that without extending the same benefits to them?

Colonel TAYLOR. I do not know how it has affected the morale of the veterans of other wars when they consider the liberality of the present laws affecting the veterans of the World War as compared with veterans of those wars. I do not know; I have no idea. Personally, I do not think that legislation dealing with veterans of other wars should be in any way tied up with legislation affecting a specific bureau created by the Government to handle the affairs of the veterans of this war.

Mr. GRAHAM. Well, Colonel Taylor, is not the purpose of passing these laws to take care of men who have served the country in time of trouble and who have worn the uniform? That is the object, is it not?

Colonel TAYLOR. Of this specific legislation?

Mr. GRAHAM. Yes.

Colonel TAYLOR. No; this specific legislation consists of amendments to a specific law passed to take care of the veterans of the World War, to wit, the war risk insurance act.

Mr. GRAHAM. Well, was it to take care of the veterans of the World War?

Colonel TAYLOR. That is what the war risk insurance was passed for.

Mr. GRAHAM. It was for the purpose of taking care of these men who had served the country, was it not?

Colonel TAYLOR. During the World War?

Mr. GRAHAM. Yes; during some particular war.

Colonel TAYLOR. No; during the World War.

Mr. GRAHAM. Well, during the World War. Is there any difference between soldiers who fight for the flag?

Colonel TAYLOR. Not at all, except that the war risk insurance act as passed by Congress relates only to the veterans of the World War.

Mr. GRAHAM. I know that.

Colonel TAYLOR. And these are amendments to that act.

Mr. HUDDLESTON. May I interrupt, Mr. Graham?

Mr. GRAHAM. Yes.

Mr. HUDDLESTON. I think you are mistaken in that. The original war risk act applied to soldiers of other wars and fixed their pensions, as you will find by examining it. I have not the section here before me.

Mr. SWEET. It simply applied to those who were in the Army at the time the war commenced, as I remember the act.

Mr. HUDDLESTON. No; you will find you are mistaken in that. There is a section, which I will find and put in the record, which relates to the pensioning of Civil War and other veterans. (See secs. 302 and 312.)

Mr. RAYBURN. In the original act?

Mr. HUDDLESTON. Either that or a subsequent act.

Mr. RAYBURN. Senator Smoot at one time put an amendment on the omnibus bill dealing with that, but the original act says nothing about any soldiers except those who were in the Army during the World War.

Mr. SANDERS. Colonel Taylor, it ought to be clear on the record what is proposed here. Heretofore in section (g) we have only provided for the burial of soldiers. This proposal of yours is a proposal for the burial of ex-soldiers? Is not that true?

Colonel TAYLOR. Yes, sir; certainly—before or after discharge.

Mr. SANDERS. Yes. Of course we had already provided for their burial before discharge, but this increases the amount. But the really big thing that is proposed here by you is that we shall furnish transportation for the body and the burial of ex-soldiers of the World War?

Colonel TAYLOR. Declared compensable by the Veterans' Bureau.

Mr. SANDERS. I thought your proposition was that you did not want that in there. Colonel TAYLOR. Yes; I said that was perfectly satisfactory to us, and we recommended that it be enlarged to include disabled veterans, claimants of the Veterans' Bureau, who died in hospitals but had not been declared compensable.

Mr. SANDERS. That is what I am saying. A minute ago you said "who were not declared compensable."

Colonel TAYLOR. This provision, from line 9 to line 18, provides that a person who dies before or after discharge and who had been declared compensable—

Mr. SANDERS. No; I beg your pardon. It does not say "declared compensable" at all.

Colonel TAYLOR. As a result of injury or disease compensable under this act.

Mr. SANDERS. It does not say "declared compensable." That is an entirely different thing.

Colonel TAYLOR. There does not have to be an adjudication at the time.

Mr. SANDERS. No; the adjudication can come afterwards.

Colonel TAYLOR. Yes; afterwards.

Mr. SANDERS. But what I wanted to make clear was that your proposition is entirely new and in addition to anything we have ever had in law. It is a great deal more than a slight change in the law. The provision which we had originally dealt with soldiers—

Colonel TAYLOR. Yes; before discharge.

Mr. SANDERS. And this deals with persons who are not soldiers but who have been soldiers?

Colonel TAYLOR. Claimants of the Veterans' Bureau.

Mr. SANDERS. Yes.

Mr. LEA. With reference to the amount of expenses that you propose to allow, the present law allows for soldiers not exceeding \$100, as may be fixed by regulation. This act provides a sum not to exceed \$200. Do you intend by this to give a flat sum or do you intend to cover the actual cost of burial and transportation?

Colonel TAYLOR. Frankly, I could not answer that. When the matter was brought up before the rehabilitation committee at the convention it was realized that \$100 did not cover the expenses at the present day.

Mr. RAYBURN. For the kind of affair you wanted to give them?

Colonel TAYLOR. Yes; for a present day burial. And after arguing the question pro and con for several hours, men who were looked upon as men who knew fixed the sum at \$200. But whether the flat sum of \$200 was to be paid or whether it was to be up to \$200 I could not tell you, but it was to be limited to \$200. If the expenses of transportation of the body exceeded the \$200—that is, if the man died out in Seattle and happened to live on the Eastern Shore of Maryland some place or died out of the country—then the expense of transportation to his home was also to be included.

Mr. LEA. I think it is difficult to determine what is intended by the language of this section as it stands.

Mr. HAWES. Mr. Taylor, there seems to be some misunderstanding as to just what is attempted to be arrived at. (Can you not, with the assistance of your colleagues, prepare an exact amendment covering exactly what you want to present to the committee?)

Colonel TAYLOR. Surely, I could.

Mr. HAWES. That will straighten the whole thing out, and we can then discuss the exact phraseology that is proposed by you.

Colonel TAYLOR. Surely. But I appreciate the opportunity to discuss the thing this way, because this is the only way we can finally clear it up.

The CHAIRMAN. Mr. Taylor, will you kindly proceed with your review of the bill?

Colonel TAYLOR. Yes. Section 4 is identical with the language of H. R. 11195 and was passed upon by our convention.

Mr. RAYBURN. May I interrupt you there to make this statement? I think that those of us who went over these bills the other day feel, and in fairness to the committee it ought to be stated, that we passed on no language. We went through the bills that were before the committee, picked out those that we thought the committee would want to consider, and put them in this bill. It is no recommendation of a subcommittee.

Mr. SWEET. That is true.

The CHAIRMAN. It is merely here as a basis of procedure.

Mr. RAYBURN. That is all, a basis of procedure. And the bill does not come here with the endorsement of a subcommittee. There are some things in it that I want to see come out, and some things out of it that I want to see put in.

Mr. SANDERS. I am glad that explanation has been made, Mr. Chairman.

Mr. HUDDLESTON. There is no action of the committee, and there is no action of the subcommittee. We have no subcommittee.

Mr. SWEET. This is simply a tentative draft of the bill to be considered, and we are not only considering everything that is in the bill, but every bill that has been introduced and referred to this committee. The field is wide open.

The CHAIRMAN. It might as well be understood first as last that those who have been referred to here as the subcommittee were simply helping the author of this bill on his invitation.

Mr. JOHNSON. Mr. Chairman, would it not be more enlightening to this committee to let this gentleman finish his statement. We can then interrogate him if we care to.

The CHAIRMAN. That is devoutly to be wished. I agree with you.

Colonel TAYLOR. On page 7, beginning with line 1 and down to line 6, the language is exactly the language as advocated by resolution of our convention, that in no case shall the compensation of any man be reduced without physical examination or until he shall have been notified of the intention of the bureau to make such reduction and shall have been given an opportunity to be heard. That language is set forth in H. R. 6422, which was introduced on May 21, 1921, in the House.

Section 6 is exactly the same language as used in H. R. 11195, and also meets with our approval.

Section 7, which is an amendment of section 306, is covered in H. R. 13499, except that there is some additional language on line 5, page 9, which was not in H. R. 11195.

Section 8 is exactly the same as in H. R. 11195. Section 408 is the same as in H. R. 11195.

The language on page 9, from line 21 on, is the language contained in H. R. 13520, which was introduced by Mr. Rogers in response to two resolutions adopted by our convention. One, a resolution providing an amendment to the war risk insurance act, continuing in force term insurance beyond the dates now fixed by law, March, 1926; the other, to permit the insured to reinstate term insurance in such manner, if not able, due to the exigencies of their condition, to pay back premiums and interest due upon back premiums, and that said arrears may be charged to the face value of the principal sum of the policy; and to provide, further, that if inability to pay arrears continues, the arrears may be carried as a charge against the principal of the policy until March 3, 1926, which is the date fixed when the policies must be converted into permanent ones.

I shall not go into the importance of that particular paragraph of the present bill, because I leave that to the chairman of our rehabilitation committee and the representatives of the bureau, but it is exceedingly important. It permits the reinstatement of insurance policies, and in it we are asking for an extension of the time in which term insurance may be converted into the various forms of insurance carried at the present time by the bureau.

Section 12 on page 13, amending section 413, is identical with H. R. 11195, was considered by our convention, and approved, as also was section 414.

Mr. MAPES. Colonel Taylor, will the chairman of your rehabilitation committee explain the reasons why the Legion makes these recommendations, and why it asks that the law be amended in that respect?

Colonel TAYLOR. Yes.

Mr. MAPES. You are leaving that to him?

Colonel TAYLOR. I am leaving that to the chairman of the rehabilitation committee and some expert witnesses that we will have here. I presume these hearings will go on for several days. Am I right, Mr. Chairman?

The CHAIRMAN. They will continue after to-day; I can not tell how long.

Colonel TAYLOR. There were a number of resolutions passed by the American Legion convention which I would like to read into the record, and which were not considered in this bill, nor have they been covered by any other bills which have been introduced.

One is an amendment to the existing laws so as to inaugurate a system of permanent ratings by a board, with laymen representation, who will consider the man's previous education, earning ability, and general status in life, as well as his physical condition, with the end in view of establishing a permanent disability rating code.

The intent of that is perfectly obvious, in the language that has been used. It is to provide for a system of permanent ratings by a board with laymen upon it.

Mr. MAPES. Colonel Taylor, I do not know that it is quite obvious to me. It says something about a man's standing in life. Would you give a man a different rating according to his social or financial position, or what does that mean?

Colonel TAYLOR. According to his earning capacity. At the present time the board is composed of specialists and professional men employed in the bureau, and men who consider the ratings on the paper records of the man. It has always been our contention that if we could get laymen on that board who were away from the picture of rules and regulations there would be, shall I say, a more humane or more understandable system of ratings provided.

Mr. MAPES. Does that mean the giving of one rating to a man who, we will say, had the ability to be a chief executive and another rating to a man who was a laborer?

Colonel TAYLOR. They will consider the man's previous education, earning ability, and general status in life, as well as his physical condition, with the end in view of establishing a permanent disability rating code.

Mr. MAPES. And give a different rating for the different classes?

Colonel TAYLOR. Yes.

Mr. MAPES. It seems to me that is a radical departure from existing pension laws and practices of the Government, is it not?

Colonel TAYLOR. Well, I could not answer that. I would like our rehabilitation men to answer those questions, because those are the technical things that I do not want to get into.

Mr. MAPES. Well, the present pension law gives the same pension to officers as it does to privates. This would, it seems to me, make a different rating for men who were officers and men who were privates.

Colonel TAYLOR. Oh, no; it might be two privates.

Mr. MAPES. Yes, it might be, but in the process of selection it is to be assumed that the ablest men are selected for officers, and it would give a different rating, I should think, for the men who were officers.

Colonel TAYLOR. No; as a matter of fact, Mr. Mapes, this does not take into consideration what the man's position in the Army was at all. It takes into consideration what his pre-war vocation was and what his pre-war abilities were.

Mr. MAPES. But it does aim to make a distinction between men in the administration of the law?

Colonel TAYLOR. It aims to revise the permanent rating table, taking into consideration the earning capacity of the man prior to his entrance into the war.

The CHAIRMAN. I understood you to suggest, Colonel Taylor, that on a board of that kind you might well have some laymen. Does that mean men who were not in the service?

Colonel TAYLOR. No, indeed; that does not mean men who were not in the service. It means men outside of doctors and lawyers who sit there in the bureau now and pass upon a man's case on the paper record. Oh, no; it contemplates service men.

The term "laymen" is simply used to distinguish them from professional men. Nowadays it is doctors that do this. A doctor, on a paper record, passes upon what a man's compensation shall be. He does not see the man, but passes on his paper record. The idea was to include on the board some laymen—business men, if you will.

The CHAIRMAN. Would not a doctor who was not on the actual official board be a layman?

Colonel TAYLOR. You are asking me to give an answer—

The CHAIRMAN. Well, you ought to; you are introducing the idea.

Colonel TAYLOR. You are asking me to give the definition of the word "laymen?"

The CHAIRMAN. Why not? How can we legislate if we do not know what it means?

Colonel TAYLOR. I tried to explain that by saying that our idea of laymen was as distinguished from the professional men. I think that is the general idea.

The CHAIRMAN. So, drawing a contrast between two physicians or surgeons, one is an official on the board which now has to pass on these matters, and the other is an ex-soldier who is not on the board. Would he be a layman?

Colonel TAYLOR. I would say he would not be, Mr. Chairman. I would say he would still be a professional man. He would see things from that professional standpoint.

The CHAIRMAN. Do you think a law that would embody that term "laymen," without a diagram to illustrate it, would ever be possible of comprehension or intelligent interpretation?

Colonel TAYLOR. I should say yes.

Mr. SANDERS. In that recommendation you say "shall take into consideration earning capacity." If A's earning capacity were greater than B's, does that mean you would give him a greater compensation?

Colonel TAYLOR. It contemplates that the permanent rating code would be changed in that respect; yes, sir.

Mr. SANDERS. I was wondering whether the amount would be greater to a man who has a greater earning capacity?

Colonel TAYLOR. It would be; yes, sir.

Mr. SANDERS. And less to the man who had the less earning capacity?

Colonel TAYLOR. Yes, sir.

Mr. SANDERS. If one man has an earning capacity of \$200 a month and another man \$100, the man having \$100 a month would receive a less amount of compensation than the one having \$200 a month?

Colonel TAYLOR. He would be rated less; yes, sir.

Mr. SANDERS. Well, we have a law that provides that for total disability men shall get \$80, and we do not provide anything respecting his earning capacity—

Colonel TAYLOR. And this had in contemplation a change of that.

Mr. SANDERS. Then we have another provision of law that if he is 20 per cent disabled he gets 20 per cent of the \$80. Now, you advise the repeal of that law and the substitution of a provision which shall leave it to the board to determine, according to a man's earning capacity, whether he shall have \$8 a month or \$16 a month when he is 10 per cent disabled?

Colonel TAYLOR. Well, that is a hypothetical question. What the committee really had in mind was establishing a new disability rating code that would take into consideration a man's earning capacity prior to the time he entered the service.

Mr. SANDERS. I understand that, but now we have—

Colonel TAYLOR. And it would in effect do just what you say. It would in effect give a man whose earning capacity was \$500 a month a greater sum than a man whose earning capacity had been \$35 a month.

Mr. SANDERS. A man who had been a doctor, earning \$500 a month prior to his entrance into the war, found to be 10 per cent disabled, would get a larger sum than a man who had been digging in a trench for \$70 a month?

Colonel TAYLOR. And who was rated 10 per cent disabled?

Mr. SANDERS. And 10 per cent disabled; yes.

Colonel TAYLOR. This takes into consideration the establishment of a permanent disability rating code; yes.

Mr. SANDERS. But that would be the result of it.

Colonel TAYLOR. It would.

Mr. SANDERS. Now, I should like to inquire whether that resolution when it was passed by the American Legion was debated?

Colonel TAYLOR. Every one of these resolutions was debated.

Mr. SANDERS. How long was that resolution debated?

Colonel TAYLOR. I could not tell you, but I could get the records of the meetings of the rehabilitation committee and we could find out just what was said.

Mr. SANDERS. I do not mean in committee. It was debated in the convention, was it not?

Colonel TAYLOR. Oh, yes. But the committee operates just exactly the same as this committee operates. The committee would debate the question and report on it on the floor of the convention, and if there was any discussion on the floor of the convention, why, all right, and if there was none it would be adopted upon the recommendation of the chairman of the committee.

Mr. SANDERS. Do you know, as a matter of fact, whether this was debated upon the floor of the convention?

Colonel TAYLOR. Every one of these resolutions was considered and debated, but not necessarily on the floor of the convention.

Mr. SANDERS. How many ex-service men were there at this convention?

Colonel TAYLOR. A delegates, 1,085.

Mr. SANDERS. What I am trying to find out is whether 1,085 men in the American Legion convention, understanding that resolution, voted for it.

Colonel TAYLOR. Well, our conventions are pretty much like the House of Representatives in its methods.

The CHAIRMAN. Colonel Taylor, I want to state a hypothetical proposition. We have, we will say, a law firm, one of whose members was conscripted in the regular order and served as a private. His earning capacity had been for five years not less than \$30,000 a year. He may have been a poor soldier by temperament—honest enough but not much good. In his office is a recent graduate of a law school working along for \$1,000 a year, with a chance to learn what he can, who has come to be a major in the seventh regiment in New York City, we will say. He is a first-class soldier. One served as an indifferent private, but loyally, and has \$30,000 a year income; the other is a fine officer, and his earnings for the two or three years he has been out of law school have been \$1,000 a year. How would you discriminate between those two men under the provisions of that amendment?

Colonel TAYLOR. Applying this resolution to that hypothetical statement of facts? The CHAIRMAN. Yes. That would be comprehensible under the amendment, would it not?

Colonel TAYLOR. Certainly; we are contemplating that both of those men are disabled.

The CHAIRMAN. Well, let them be disabled, yes; put them in any comparable position you want to. Say that each man has lost an arm.

Colonel TAYLOR. Under this resolution the permanent rating code established by the character of board that this resolution has in contemplation, taking into consideration the earning ability in the general status in life of each one of these men, would in all probability give the private who had earned \$30,000 a higher rate of compensation than the officer that you describe as earning \$1,000 a year.

The CHAIRMAN. In order to make the comparison just as fair as we can, we will say that both those men were unmarried, that they were brothers, and lived with their father and mother, and neither one of them pays any living expenses at home. That will give you an idea of the surroundings, aside from the matter of earnings.

Colonel TAYLOR. That would not interfere with this rating at all.

The CHAIRMAN. No; but their standing in the community, their intellectuality, their mentality, and all that, we will suppose to be as nearly comparable as possible.

Colonel TAYLOR. Yes; but that would not make any alteration in the rating of their compensation.

The CHAIRMAN. Will you kindly read that again?

Colonel TAYLOR (reading). "The amendment of existing laws so as to inaugurate a system of permanent ratings by a board with laymen representation, who will consider the man's previous education."

The CHAIRMAN. Both of them have college and law-school education.

Colonel TAYLOR (continuing). "Earning ability, general status in life."

The CHAIRMAN. Both of them live at home and have the same parents.

Colonel TAYLOR (continuing). "as well as physical condition."

The CHAIRMAN. Both of them perfect.

Colonel TAYLOR. So that, as I say, the last comment that you made would in no way interfere. You said they both lived at home with their people—

The CHAIRMAN. And both had the same advantages as to fundamental education; but one, by virtue of longer experience, has a good income and the other has not.

Colonel TAYLOR. I still say that your last suggestion would in no way interfere with my first answer to your question.

The CHAIRMAN. Well, I do not think that is very important, except as determining their status in life—the same grade and style of living.

Colonel TAYLOR. I would like to say to the committee that, of course, I do not attend the meetings of the rehabilitation committee at the national convention and

discuss as a lawyer all of these various resolutions which I presented to that committee. These resolutions come to me after they have been passed upon by the convention, and my only construction is the same construction that you yourself would put upon them, which is the plain, common-sense construction.

The CHAIRMAN. As the representative of the legion in legislative matters, do you urge the consideration of that amendment on the committee?

Colonel TAYLOR. I do not.

The CHAIRMAN. That is enough.

Mr. HAWES. This is one of the few that the committee selected out of the hundreds that came up to it to present to the convention and that the convention adopted, as you stated at the beginning of your statement.

Colonel TAYLOR. Yes; this is one that was picked out.

Mr. HUDDLESTON. I think that perhaps none of us understand just one feature of your proposal or understand the questions that have been asked. Do I understand correctly that it is proposed by this amendment to affect the total permanent rating?

Colonel TAYLOR. No; the permanent rating code. No; it has nothing whatever to do with the total permanent disability or total temporary disability. It is the code by which they are rated, which is a permanent thing now.

Mr. HUDDLESTON. Your total permanent compensation will remain at \$100 a month?

Colonel TAYLOR. Yes; surely.

Mr. HUDDLESTON. Irrespective of the facts, in a separate way, affecting these several claimants?

Colonel TAYLOR. Certainly.

Mr. HUDDLESTON. It is merely in case of a partial permanent disability that you propose to discriminate between men?

Colonel TAYLOR. This is with no idea at all of changing the present fixed amounts under the law. It just has in contemplation the changing of the amounts as paid to the men for their disabilities.

Mr. HUDDLESTON. Certainly; but that involves changing the law?

Colonel TAYLOR. It does not contemplate increasing the \$100 or increasing the \$200.

Mr. HUDDLESTON. It is proposed that this amendment shall operate merely upon the partial permanent rating?

Colonel TAYLOR. Men who are considered partially disabled.

Mr. HUDDLESTON. Permanently; and the discrimination which you speak of is merely between men who are permanently disabled in a certain degree and not totally?

Colonel TAYLOR. Mr. Huddleston, this resolution just takes into consideration the character of the board which passed upon the disabled man's degree of disability and in rating him took into consideration his previous condition in life, his education, and his ability to earn money.

Mr. HUDDLESTON. Well, what do you refer to as his "previous condition in life"?

Colonel TAYLOR. Well, just what the chairman referred to—his method of living.

Mr. HUDDLESTON. Well, that is rather broad. Of course, it includes his scale of living and his social position?

Colonel TAYLOR. His character of living.

Mr. HUDDLESTON. You would more accurately say "scale of living," would you not?

Colonel TAYLOR. Well, call it "scale of living," if you wish. But it did not take into consideration the changing of the amounts at all as fixed by the law.

Mr. HUDDLESTON. Undoubtedly the ratings would change the amounts—not the total amounts?

Colonel TAYLOR. It changes the amount as coming to the individual man; surely.

Mr. HUDDLESTON. Yes; merely as to the partial disability and not as to total disability?

Colonel TAYLOR. Certainly.

Mr. HAWES. Colonel Taylor, I understand that the substance of that resolution is not embodied in this bill.

Colonel TAYLOR. It is not.

Mr. HAWES. And you do not have at this time any law before this Congress that covers it?

Colonel TAYLOR. That is right.

The CHAIRMAN. Is that right?

Colonel TAYLOR. Absolutely.

The CHAIRMAN. I do not question your veracity, but your recollection.

Colonel TAYLOR. There has been no legislation introduced covering the subject matter of this particular resolution.

The CHAIRMAN. But is there not something in the law already?

Colonel TAYLOR. In the existing law?

The CHAIRMAN. Yes.

Colonel TAYLOR. I would not want to say that. Your expert on the subject (Mr. Sweet) is sitting at your left hand there.

Mr. SWEET. The present plan of rating is this: The rating shall be based, as far as practicable, upon the average impairment of earning capacity resulting from such injuries in civil occupation and not upon the impairment in earning capacity in each individual case. That is the present law.

Colonel TAYLOR. Well, haven't we gotten a little off the point, Mr. Chairman? Because, what this resolution really has in view—

Mr. HAWES. What I am trying to get at, Colonel Taylor, is that we have not got that subject before this committee in the form of a law, and you are not now urging it?

Colonel TAYLOR. No; I am not. This resolution had in view the creation of a board, including laymen in its personnel, which would revise, or establish, a permanent disability rating code, which would then be applied in accordance with the law as you have read it and in accordance with the amounts as fixed by the law.

Mr. SWEET. Is not this true, Colonel Taylor, that really what the American Legion was getting at in this matter was the make-up of the rating board?

Colonel TAYLOR. That is all.

Mr. SWEET. And that there should be a layman upon that board?

Colonel TAYLOR. That is all.

Mr. SWEET. And that the language that is appended to the resolution was not put in with the intention of changing the existing law as to the method by which they shall arrive at their rating?

Colonel TAYLOR. You are absolutely correct in that. That is what I have been trying to express.

The CHAIRMAN. Well, we have to take what you give us, not what we think you are trying to give us.

Mr. HAWES. It seems to me that the language goes further than that, because it expressly says that the board shall take into consideration the earning capacity in individual cases.

Mr. HUDDLESTON. Mr. Chairman, may I ask a question?

Has Colonel Taylor any further amendments to submit?

Colonel TAYLOR. Yes, surely I have.

Mr. HUDDLESTON. I think we ought to have them, Mr. Chairman.

Mr. NEWTON. Mr. Chairman, may I ask just one more question along that same line? There is no provision in the existing law, is there, with reference to who shall constitute a board of review, or board of appeals, or a rating board or anything of that sort?

Colonel TAYLOR. I believe that is done, under the authority of the act, by the director of the bureau.

Mr. NEWTON. Yes; it is purely an administrative matter?

Colonel TAYLOR. Certainly.

Mr. NEWTON. I note what you have had to say with reference to the feeling that at times, due to the predominance of professional ability upon one of these boards, technicalities play too great a part. If that is true, is not that a matter that you should take up with the director and one that can not directly be handled as a legislative proposition?

Colonel TAYLOR. You mean, as an administrative instead of a legislative proposition?

Mr. NEWTON. Yes.

Colonel TAYLOR. You may be right, sir.

Mr. NEWTON. I find myself at times agreeing with you. I have run across cases myself where I figured that the doctors on the board, and in some instances the lawyers, have been altogether too technical, and it has been somewhat of a task to get them straight on the proposition. But it has always appeared to me that that was an administrative detail and not one of legislation.

Colonel TAYLOR. That is what we have done; we have taken it up with the bureau. What I wanted to try to do was to present to this committee those resolutions which had been adopted by the convention upon which no legislation had been introduced in Congress.

Mr. NEWTON. I get your point. I merely wanted to throw out that suggestion, that it was more largely a question of administration.

Colonel TAYLOR. I doubt very much whether I have any other suggestions that are so directly related to the question of administration.

I have before me three bills which we had introduced and which, of course, are not included in either H. R. 11195 or the present bill, H. R. 14063, which I will present to this committee for consideration. One of them is H. R. 13499, introduced by Mr. Andrew of Massachusetts, recommending that the time limit for securing of certificates of disability be extended to August 9, 1926. Also, we recommend and urge that in every case where the disability has been rated by the Veterans' Bureau at less than 10 per cent the applicant be given a certificate by the Bureau of War Risk Insurance that he has incurred a disability in service, so that the service connection of such disability shall be established, and that such certificate when made shall be irrevocable except in cases where it is conclusively proven that the finding of service connection has been induced by the willful fraud of the claimant, and that such certificate shall, when the condition of the applicant resulting from such disability shall warrant, entitle the applicant to the hospitalization and treatment by the United States Public Health Service, and to compensation without further proof of the service origin of such disability.

H. R. 13495, introduced by Mr. Brennan, provides for an amendment of the existing law to compensate any trainee who is injured while actively pursuing a course of training prescribed by governmental agency.

A trainee to-day drawing compensation might be working in a placement training and be injured while in that employ. This contemplates compensation for such injury.

Mr. HUDDLESTON. May I ask, does this contemplate that the injury shall be an incident to his employment?

Colonel TAYLOR. Surely.

Mr. HUDDLESTON. And not that he should be injured from other causes?

Colonel TAYLOR. No. H. R. 12779, introduced by Mr. Knutson, provides for Federal aid for agricultural trainees to establish them as self-sustaining farmers.

The CHAIRMAN. The chairman of the committee is of the opinion—and several others also—that that is a bill which should go to the Ways and Means Committee and does not come under the jurisdiction of this committee.

Colonel TAYLOR. It has been referred to this committee, however.

The CHAIRMAN. Yes; but we think improperly.

Colonel TAYLOR. May I just complete the record on that?

The CHAIRMAN. Yes; if you care to do so in the face of the statement that we do not think it is a part of our business.

Colonel TAYLOR. It is in line with the resolution providing Federal aid for agriculture to establish them as self-sustaining farmers. I can appreciate why that should go to the Ways and Means Committee.

We want to go on record now before this committee as being opposed to the Vaile bill, H. R. 11823—

Mr. HAWES. Colonel Taylor, may I interrupt you there?

Colonel TAYLOR. Yes, sir.

Mr. HAWES. These bills you have referred to as having been introduced are bills that have been prepared by the Legion?

Colonel TAYLOR. Yes, sir.

Mr. HAWES. What is the idea, Colonel Taylor, of giving them to different Members of the House to introduce, rather than having one comprehensive bill introduced, known as the Legion bill? I am asking that general question now, because it frequently arises in the House. One man says he is representing the Legion or that he expresses the opinion of the Legion, and another man makes the same statement, and the Members of the House are confused.

Colonel TAYLOR. I am glad you have brought that out, Mr. Hawes. I did not know that.

Mr. HAWES. It seems to me that when the Legion meets in its national convention and adopts certain recommendations, they ought to be put in the form of a law by the legal department of the legion and introduced and known as the legion bill, rather than separated and introduced by a half dozen different Congressmen. There should be some recognition attached to a measure of that kind.

Colonel TAYLOR. I did not know that at all. It has been my habit, immediately the convention is over, to come back to Washington and have read into the Congressional Record the resolutions adopted by the convention. That has always been done. Then some of these resolutions, as was pointed out by the chairman, deal with matters that go to various committees. Here is one that was referred to the Interstate and Foreign Commerce Committee which apparently should go to the Ways and Means Committee. So it would hardly be possible to draw up any one single bill to include all of the recommendations affecting even disabled men, as is so obvious here.

Mr. SWEET. And I might say in connection with that, Colonel Taylor, in fairness to you, that this matter has been gone over and a bill prepared along the lines suggested by your legislative committee, and the ideas which are embodied in the amendments, etc., to existing law are found in H. R. 11195 and H. R. 14003.

Colonel TAYLOR. And H. R. 11194. I am glad you brought that out, Mr. Sweet, because I would have liked to bring it out in the beginning myself, but hesitated to do so. I did bring all these resolutions dealing with disabled men down to the chairman of your subcommittee on several occasions, and we went over them pretty thoroughly, did we not?

Mr. SWEET. We certainly did; we checked them all over.

Colonel TAYLOR. And then we drafted a bill. The Legion is a little new in its activities. It is only 3½ years old.

Mr. HAWES. The object of my suggestion was to be helpful.

Colonel TAYLOR. Surely. What I have been trying to do, Mr. Hawes, is this: I have been trying to get the maximum amount of interest in Legion matters by spreading the legislation around and trying to get a number of Congressmen interested in the things that we are interested in. Sometimes I really question whether any one man in Congress should be the sponsor of Legion legislation, even of some specific character. I feel that perhaps we would not get the enthusiastic interest from a lot of other Members that we now have. It was really rather a matter of strategy with me.

Mr. HAWES. You have been very fortunate in having the tireless support of Judge Sweet, who has given hours and hours to the study of these questions.

The thought I had in mind was this: Each session of Congress hereafter will have before it Legion legislation, and possibly you will not find much division on the subject—that is, sufficient to make it necessary to divide it for reference to a number of committees. In that case it does not make any difference who introduces the bill. In my conversations with men in the cloakrooms and elsewhere I have found some confusion as to whether a bill was the individual idea of the Congressman who introduced it or whether it was the thought of the Legion or whether it was prepared by the Legion or by some one else.

It occurs to me that if after a convention passes its resolutions the legal department of the Legion would prepare its own bill, Judge Sweet and others would cooperate and advise in the preparation of it, and then it would be the Legion's bill for that session. It would simplify matters for the Legion, and would certainly make it much clearer in the minds of the Members of the House and Senate.

Colonel TAYLOR. That is an excellent suggestion, Mr. Hawes. Of course you know how we handled it, because I have requested you at various times to introduce legislation.

As I started to say, I want the Legion to go on record as being opposed to the Vaile bill, which provides for the payment of the term insurance in a lump sum.

You know about H. R. 11194, of course, and that is not included in H. R. 14003.

The CHAIRMAN. Is that comprehended in H. R. 11195?

Colonel TAYLOR. No. H. R. 11194 has to do with vocational training only, and it is not in either H. R. 14003 or H. R. 11105.

Here are a number of resolutions which I should like to hand to the committee and have the committee consider when it reaches them, dealing with disabled men.

Mr. MAPES. I would like to have them read, if they are something you wish submitted.

Colonel TAYLOR. Surely.

Mr. NEWTON. In brief, just what is H. R. 11194? What change does it make with reference to rehabilitation?

Colonel TAYLOR. That is your bill—H. R. 11194.

Mr. NEWTON. Just in a word; what changes in the rehabilitation bill does that involve?

Mr. SWEET. That is what was known as the Kenyon bill at one time.

Colonel TAYLOR. It makes available to widows and orphans of men killed in action the privileges of vocational training.

Mr. SWEET. It extends vocational training to widows and dependents. That is the Kenyon bill. It passed the Senate, did it not?

Colonel TAYLOR. It did; it passed the Senate during the last session of Congress.

The American Legion urges the enactment of legislation which would permit a total and permanent disability rating to Bureau of War Risk beneficiaries suffering from tuberculosis, based on a schedule of ratings sufficiently adequate to include the incurable, progress, complications, and effects of the disease.

The Legion recommends that the rating of the men be made in the field by the examiners who have themselves made the physical examinations.

Mr. NEWTON. May I interrupt you there? You mean that the examiners shall make recommendations as to a specific rating, or that they shall make the rating and that shall be final and conclusive?

Colonel TAYLOR. None of it is final and conclusive, of course.

Mr. NEWTON. I mean, so far as that particular rating is concerned.

Colonel TAYLOR. That the rating shall be final, that they shall make the ratings. If it is not satisfactory to the man, of course he can appeal to the board.

Mr. NEWTON. But suppose there is no uniformity with reference to the ratings as given by other field men?

Colonel TAYLOR. Well, that is so to-day.

Mr. NEWTON. Yes; but would it not be even more so?

Colonel TAYLOR. I would like to leave it to the chairman of the rehabilitation committee, when he takes the stand, to answer these questions.

Another resolution of the legion requests that the rating of 100 per cent permanent total disability for totally deaf exservice men be reestablished. That is covered in H. R. 6422 and S. 4497.

That is all I have to present, Mr. Chairman. At this time I want to thank the committee for their patience in listening to this presentation of mine, and I assure you that our experts will be able to take care of any of the technical matters which I have been unable to make clear to you.

The CHAIRMAN. The Chair would like to ask one question, and only one. Would you have the committee understand that, making allowance for the consideration of these amendments which you have proposed, you feel that the bill which we have prepared covers all the points which the legion would have covered at this time in respect of legislation in which you are interested?

Colonel TAYLOR. Yes. If this committee will report out a bill covering nothing else, except that elimination of the word "pulmonary" and the extension of the time from three years to five years, we will feel pretty well satisfied.

Replying specifically to your question, Mr. Chairman, we shall be very well satisfied if H. R. 14003 can be put into law during the present session of Congress.

The CHAIRMAN. To go a little further, would you feel that the committee in its presentation of this bill has reached out to cover all the items in which the legion, which you represent, is interested, allowing for the addition of those that you have mentioned?

Colonel TAYLOR. Yes, sir.

The CHAIRMAN. Up to this time?

Colonel TAYLOR. Up to this time; yes, sir. I wish to thank you again, Mr. Chairman, for the consideration of the committee.

(Whereupon, at 12.30 o'clock p. m., the committee adjourned to meet at 10 o'clock a. m. Monday, January 29, 1923.)

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE,
HOUSE OF REPRESENTATIVES,
Tuesday, January 30, 1923.

The committee met at 10 o'clock a. m., Hon. Samuel E. Winslow (chairman) presiding.

The CHAIRMAN. If the committee will come to order, we will proceed with the further consideration of H. R. 14003. Colonel Taylor, have you a witness whom you would like to introduce?

Colonel TAYLOR. Mr. Chairman, we have Mr. Joseph Sparks, the chairman of the national rehabilitation committee of the American Legion, who will discuss various points in H. R. 14003 or any points involved in the resolutions which were suggested by the American Legion.

The CHAIRMAN. Mr. Sparks, will you now address the committee?

STATEMENT OF MR. JOSEPH SPARKS, CHAIRMAN OF THE
NATIONAL REHABILITATION COMMITTEE OF THE AMERICAN
LEGION.

Mr. SPARKS. Mr. Chairman and gentlemen of the committee, I have studied this proposed bill which has been prepared here very carefully. I would like for the committee to understand that it is not the disposition of the legion to make unreasonable or arbitrary demands upon Congress in the handling of this very vital subject. It is our contention that this is a common problem. It is our belief that you men, as

representing the American Congress, are just as much interested in this proposition as we are. We are here merely in an advisory or suggestive capacity. The final decision must rest with your committee and with the Congress of the country.

The CHAIRMAN. Mr. Sparks, if you will pardon the chairman I would like to make a little statement to you, and I want above all things to have you realize that my remarks are influenced by the best feelings in the world, with no feeling of annoyance or offense; but we are driven in this committee almost to despair in our effort to cover the work in the few weeks we have, and I am sure the committee would be willing to discount your good faith in the committee. We believe that is the way you feel toward us, and we feel the same way toward you, and if instead of following the usual form, which is quite in order, you would be willing to just plunk right at the features of the bill that you do not like or that you want to introduce, and just ziping into the meat of it, we will be greatly obliged, and you will do better, I think, that way, and we will too.

Mr. SPARKS. Yes; that is just what I was going to do in the next breath.

Mr. MAPES. May I ask you a question before you go on? I got the impression the other day that you were connected with the Veterans' Bureau.

Mr. SPARKS. No, sir; I am chairman of the national rehabilitation committee of the legion.

Mr. MAPES. You are not a member of the Veterans' Bureau?

Mr. SPARKS. No, sir; I am the spokesman for the legion on all these matters.

Mr. MAPES. Are you a practicing physician?

Mr. SPARKS. No; I am an insurance man. I have physicians here who will testify on the technical and medical subjects.

On page 4, line 13, where you say "tuberculous disease," the legion strongly favors the enactment of the measure to-day there are from three to five thousand men in the hospitals and out of the hospitals who are suffering from bone tuberculosis or surgical tuberculosis. Under the present Sweet bill these men are noncompensable. For instance, in one hospital in the South—Kenilworth—there are more than 100 such men, and one boy, in particular, who has been in there for two and a half years for tuberculosis of the back. He could not draw a cent under the old bill.

Mr. SANDERS. Do you mean they are noncompensable, or that they do not come within the rule which raises the presumption that it was caused by service? If they can show it was caused by their service, they are compensable.

Mr. SPARKS. Under the present Sweet bill they do not come under the privilege of that.

Mr. SANDERS. But they are compensable if they can show it was of service origin.

Mr. SPARKS. Yes, sir.

Mr. SANDERS. It does not make any difference how long it developed afterwards, if they can show it is of service origin they are compensable.

Mr. SPARKS. Yes, sir.

Mr. SANDERS. What you meant to say was that they do not come within the provision that raises the presumption that it was of service origin?

Mr. SPARKS. Yes.

Mr. HUDDLESTON. You mentioned something about having a physician here, and I am wondering if you are going to have some medical man testify on these points.

Mr. SPARKS. Yes, sir; Doctor Dunn will give expert testimony on that.

Mr. HUDDLESTON. Is he present?

Mr. SPARKS. Yes, sir. The point I wanted to bring out was that there are from three to five thousand men affected.

The second point I want to discuss is in line 16, on page 4, where it reads, "developing within three years."

Under that provision, it is impossible to tell just how many men will be affected. I have heard it estimated all the way up to 45,000 men. I do know this, that we made a recent survey in the southwest embracing the El Paso district, San Diego, Fort Bayard, Denver, and all of the country favorable for the treatment of tuberculosis, and we found 5,000 down there who would be taken care of under a time extension, if you raised that limit say to four or five years.

Mr. MAPES. Colonel Taylor recommended five years, as I recall it.

Mr. SPARKS. That is the legion's resolution, but there are two questions involved there which Doctor Dunn will explain, an economic and a medical question, and we do not want to ask for anything that would be considered unreasonable on that point, but there are hundreds and literally thousands of men throughout the country.

Mr. SWEET. What do you recommend, three or five years?

Mr. SPARKS. My personal recommendation on that, sir, would be three or four years, if the present interpretation of the bureau is allowed to stand.

Mr. SWEET. What do you mean by the present interpretation of the bureau?

Mr. SPARKS. The present law is two years and the recent ruling (20-b) raises that limit by regulation to 36 months, which is a very liberal interpretation.

Mr. SWEET. Do you know the basis upon which they extend the two-year limit.

Mr. SPARKS. They extend that upon a humane basis and upon the fact that if a man is suffering from tuberculosis after 30 months, say, in an advanced stage, they assume he must have had that tuberculosis at least a year before that.

Mr. SWEET. Now, let me understand you: You do not mean that they extend the two year limit but that as a medical proposition—

Mr. SPARKS. Yes; as a medical proposition.

Mr. SWEET. As a medical proposition they say this should be extended and they do extend it without extending the presumption to those who are suffering from tuberculosis.

Mr. SPARKS. Yes, sir.

Mr. SWEET. In that the way it is calculated?

Mr. SPARKS. Yes; up to 36 months. Now, if you should raise this to 4 years and allow the same liberal interpretation of the law, that would place it up to 5 years.

Mr. SWEET. But you fall into this error immediately, that if the interpretation of the bureau is based upon medical testimony, you could not place the present interpretation upon it where it says four years, where already the medical interpretation falls a little over two years.

Mr. SANDERS. Have you got 20-b there?

Mr. SPARKS. Yes; this ruling was issued on January 5, 1923.

Mr. SANDERS. I mean just the part bearing on this point.

Mr. SPARKS. Would you like to hear it read?

Mr. SANDERS. Is it very long?

Mr. SPARKS. There is just one page that will cover the crux of it.

Mr. SANDERS. I should like to have that read.

Mr. SPARKS (reading). "SEC. 7031. Where no respiratory disability is affirmatively shown to have occurred during active military or naval service and where active pulmonary tuberculosis of 10 per cent degree is shown as developing within two years from the date of separation from active service, such active pulmonary tuberculosis shall be considered as incident to service in accordance with section 300 of the war-risk insurance act as amended.

"a. Active pulmonary tuberculosis, minimal state diagnosed by approved methods as outlined hereinafter, shown by competent proof as existing within 30 months from the date of separation from active service, shall be considered as having been active and of 10 per cent degree within two years from discharge."

Now, there is the medical question you refer to.

Mr. SWEET. In other words, they determine there that if it is active within that period, it should be attributable to the service.

Mr. SPARKS. Absolutely; yes, sir. The second section is:

"b. Active pulmonary tuberculosis, moderately advanced, shown by approved diagnostic methods as outlined hereinafter and proper examination as existing within 33 months from date of separation from active service, shall be considered as having been active and of 10 per cent degree within two years from discharge."

Now, that raises it to 33 months.

Mr. SWEET. Yes; but it has nothing to do with the question of three years or the presumption.

Mr. SPARKS. It is a medical question?

Mr. SWEET. Yes; it is a medical question and the burden of proof is upon the soldier to show he is suffering from tuberculosis which was contracted in the service.

Mr. SPARKS. Yes, sir; the third is:

"c. Active pulmonary tuberculosis with cavity formation or involvement to the extent of two entire lobes or more (in this connection the right upper and middle lobe to be considered as one) shown by approved diagnostic methods as outlined hereinafter and proper examination as existing 36 months from date of separation for active service, shall be considered as having been active and of 10 per cent degree within two years from discharge."

That is another medical question.

"d. Where active pulmonary tuberculosis of 10 per cent degree has not been diagnosed during the two-year period and does not come under the provisions of a, b, and c, the claimant shall be referred to a hospital for a period of observation and report by a special board composed of three medical officers at least one of whom shall be experienced in the diagnosis and treatment of pulmonary tuberculosis. This special board shall report accurately the extent and character of the pulmonary lesion as disclosed by X-ray and physical findings, and shall record a careful medical

history with special reference to the length of time the disease has previously existed. This report shall be forwarded to the district office, for attention by a district board composed of the chief of rating, a medical man experienced in the diagnosis and treatment of pulmonary tuberculosis, and a member of the board of appeals. Where a diagnosis of pulmonary tuberculosis has been established, the board shall consider on the basis of the extent of the disease, the medical history and supporting affidavits, whether or not it is a reasonable assumption that active pulmonary tuberculosis of more than 10 per cent degree of disability existed within the two-year period. If so, it shall be considered as having been active and of 10 per cent degree within two years from discharge."

I think the last paragraph is entirely foreign to this matter.

Mr. RAYBURN. Now, is not this the reason for advocating more time here. Mr. Sweet and Mr. Winslow will recall that when we were in conference on the Sweet bill with reference to this time for tubercular and neuropsychiatric cases we had there the representatives of the Public Health Service and the medical division of the War Risk Bureau, and we said to them that we wanted to set the date far enough in advance to cover every case of neuropsychiatric trouble or tubercular trouble that might have been contracted in the service.

Mr. SPARKS. Yes.

Mr. RAYBURN. And they said it was impossible for a man to develop tuberculosis that he had contracted in the service, after two years from discharge, and that is the reason we wrote that in there. Now, is not this what you are trying to get at, and is not this what Order No. 20 is trying to get at, that a great many of these young fellows really developed tuberculosis within two years but never took care of themselves and never filed their applications?

Mr. SPARKS. That is true, sir.

Mr. RAYBURN. Will not three years, or an extension of another year, cover all of those cases. I know I have many from my district who have tuberculosis now and some of them are in the hospitals, but they came in after the two years, but they were active within two years and three months. I think, as that statement says, that such a man had tuberculosis before the two years expired, but he did not protect himself, or did not think he had it and was not examined, etc. Now, will not an additional year absolutely take care of every case that might have been of service origin.

Mr. SPARKS. That, gentlemen, I would like to answer in this manner: I have talked this matter over with Doctor Dunn, and he knows this subject of tuberculosis backwards and forwards, and that is purely a medical proposition, and I would like to have him discuss it, because, frankly, I know very little about tuberculosis. In that connection, we are not going to be arbitrary. We are not going to make any insistence about the time. We want the best medical advice on what is the best thing to do, and we have selected Doctor Dunn as our spokesman on that, and we are going to be pretty well satisfied because we have faith in you, as I said before; but there is one other question that comes up in connection with that clause.

I think Congress some months ago put a provision into the law allowing all Spanish-American War veterans and members of the American Expeditionary Force in the Boxer outbreak hospitalization in Veterans' Bureau hospitals. Am I correct, Mr. Chairman?

The CHAIRMAN. I am not sure about that. I do not remember.

Mr. SPARKS. Mr. Sweet, may I ask you that question?

Mr. SWEET. My recollection is that is true, but with some qualification. I think it was originally put on an appropriation bill and later became a part of the second Langley bill.

Mr. SPARKS. It was tacked on an appropriation bill as a rider. Now, in connection with the consideration of this extension from two to three or four or five years, if we could get some kind of provision to allow World War veterans to enter these veterans' hospitals without any idea of compensation, I think that would go a long way toward correcting any weakness in this section here.

Mr. RAYBURN. I did not understand that last statement.

Mr. SPARKS. I said that if we could get a provision in this bill to allow any man who served in the World War and contracted tuberculosis to enter the Veterans' Bureau hospitals, without regard to compensation, and considered that proposition in connection with this question of whether you raise this to three or four or five years, I believe it would go a long way toward solving the problem.

Mr. RAYBURN. It would to a long way toward filling up the hospitals, probably. Of course, I think we made a mess out of our hospitalization, and I think we are going to have a lot of vacant establishments after a while unless we enact some additional legislation.

Mr. SPARKS. You have the same provision now in reference to the soldiers' homes, except a man has to declare himself a pauper before he can get in there.

The CHAIRMAN. Is that true of all soldiers' homes?

Mr. SPARKS. Yes, sir.

The CHAIRMAN. Is it true of the one here in Washington?

Mr. SPARKS. Yes, sir.

The CHAIRMAN. Are you sure about that?

Mr. RAYBURN. That is not true of the Confederate homes in the South. I do not know how it is in the North.

Mr. SPARKS. I am speaking of the soldiers' home under the national sanitariums, like Johnson City and Dayton and places like that throughout the country.

At least 52 amendments have been proposed in this bill, and if you will pass the bill—

Mr. MAPES. I did not understand that.

Mr. SPARKS. I say, at least 52 or 33, or maybe 60, proposed amendments have been proposed, but from the Legion's standpoint the biggest emergency problem right now to take care for the greatest number of men is involved in cutting out the word "pulmonary" and reaching a just basis as to the time of three or four or five years.

The CHAIRMAN. What do you mean by 52 amendments?

Mr. SPARKS. The different amendments from which this bill was made up, or from the different bills introduced in the House, and the resolutions and suggestions from Members of Congress.

The CHAIRMAN. Where do you get your record?

Mr. SPARKS. I do not understand you, sir.

Mr. SWEET. He includes the Senate also.

Mr. SPARKS. I will say 50 suggestions on soldier legislation, or a great number. I will not specify the number. There is a great number of soldier legislation problems that have come up in the last two years.

The CHAIRMAN. I think you are right as to your general statement, but your mathematics is a little incorrect, and even involved in the number of bills that have been put here are one-half dozen new bills, or ostensibly new, the provisions of which, as to workability, are all possible under existing law, and you have in that number also 9 or 10 which are material or otherwise, but do not come under this character of bills at all.

Mr. SPARKS. I understand that, but my idea is that there is a great amount of proposed legislation.

The CHAIRMAN. That, I think, is true.

Mr. SPARKS. And of all the legislation proposed, in my opinion or in the opinion of the Legion, the things that we would like to see done, even if you do nothing else, although we would like everything you could do, would be to strike out the word "pulmonary" and reach a just basis in the matter of automatic extension of service to three or four or five years, whatever you may see fit.

Mr. RAYBURN. Now, Mr. Sparks, your idea is this: We have no service pensions for the veterans of the World War yet.

Mr. SPARKS. And I hope they never will have, sir.

Mr. RAYBURN. There is a question about that, but your idea about this amendment with reference to hospitalizing the veterans of the World War without reference to compensation is that they should be hospitalized, if they develop or contract tuberculosis, in Government hospitals for the simple reason that they are World War veterans.

Mr. SPARKS. Yes, sir. The same privilege has been extended to Spanish-American War veterans.

Mr. RAYBURN. In other words, I want the record to be fair to you, and the reason for asking this for the men who contract tuberculosis, and not as a general proposition applicable to all the people of the United States, is that these people served their country in time of war and therefore the Government owes them probably a little more than it does the others.

Mr. SPARKS. Yes, sir.

Mr. RAYBURN. I thought that was your intention but thought probably it would not be clear in the record.

Mr. SPARKS. Now, gentlemen, is there any question you would like to ask me about these proposed amendments? I am pretty well in accord with everything in this bill.

Mr. RAYBURN. Would you care to say whether you were in favor of three or four or five years?

Mr. SPARKS. I would rather that Doctor Dunn answer that, because he will do it in a very clear-cut, concrete manner, and I will let him answer that question for me, sir.

The CHAIRMAN. Is there anything in this bill other than what you have mentioned that you do not approve of?

Mr. SPARKS. Well, sir, I understood that you were to question me on some of these provisions here, for instance, on page 5, section 3, with reference to the matter of burial expenses. I think Mr. Taylor had that up Saturday or Friday.

Mr. SANDERS. Mr. Chairman, if you do not desire to ask any questions about that, I do.

The CHAIRMAN. I would like to have you do it.
Mr. SANDERS. I should like to ask whether you are in favor of the section as it is now written?

Mr. SPARKS. No, sir; I would like to have it amended.

Mr. SANDERS. How do you want it amended?

Mr. SPARKS. On line 12, page 5, to add the following words—

Mr. SANDERS. Following what words?

Mr. SPARKS. So it would read "compensable under this act or is confined in a hospital under the jurisdiction of the Veterans' Bureau"; and in line 16 I would like to amend it by adding, after the word "transportation," "burial and transportation."

Mr. MAPES. Where is that?

Mr. SPARKS. In line 16.

Mr. SANDERS. That was evidently intended to be in there, was it not?

Mr. MAPES. If that is going to be put in, is not that a pretty liberal allowance for burial expenses?

Mr. SPARKS. I agree with you; it is.

Mr. MAPES. \$200?

Mr. SPARKS. Yes, sir.

Mr. MAPES. Is it not too liberal to expect the Government to pay?

Mr. SPARKS. Well, that is a pretty big question, sir. I do not think a \$200 funeral would break the Government.

Mr. HUDDLESTON. May I call your attention to the fact that this clause does not limit the cost to \$200. The family could pay as much as they liked for the burial, and still be entitled to get it back from the Government under the amendment you propose.

Mr. SPARKS. No; the only thing—

Mr. HUDDLESTON (interposing). Your amendment will provide that if the expense of the burial and transportation of the body exceeds \$200, the Veterans' Bureau shall pay the actual cost.

Mr. SPARKS. No; the actual cost of said transportation.

Mr. HUDDLESTON. And not of the burial?

Mr. SPARKS. Oh, no; the actual cost of transportation, is the way the act would read.

Mr. HUDDLESTON. You do not intend they should pay the cost of burial?

Mr. SPARKS. They should pay \$200 for burial.

Mr. HUDDLESTON. And the transportation in addition?

Mr. SPARKS. And transportation in addition.

Mr. HUDDLESTON. That may be several hundred dollars more.

Mr. SPARKS. That is true; but do you not think that if this Government takes a man from the city of Washington and sends him over to Walla Walla, Wash., and he should die there, that they ought to pay the expense of the transportation of that body back here? Do you see the point I make?

Mr. HUDDLESTON. I see your point very clearly.

Mr. SPARKS. You see the man is sent arbitrarily. He can not say where he is to go. Now, he is a tubercular patient and contracts tuberculosis in the city of Washington; his people are very poor probably and the Government sends him out to Walla Walla, Wash., and he dies; \$200 is not enough money to provide for a good coffin and a good grave and transportation from Walla Walla back to the city of Washington.

Mr. SANDERS. Have you ever estimated what the cost would be per year, due to this change in the law?

Mr. SPARKS. It would cost a good deal of money.

Mr. SANDERS. You mean on the question of burial?

Mr. SPARKS. Yes.

Mr. SANDERS. The law now provides for the burial of soldiers and does not provide, as I remember the law, for the burial of ex-soldiers.

Mr. SPARKS. This does not provide for the burial of ex-soldiers.

Mr. SANDERS. It says when a person dies before or after discharge.

Mr. SPARKS. And is compensable. There are only 325,000 men under that.

Mr. SANDERS. But they are ex-soldiers.

Mr. SPARKS. I know that; but this does not mean all the 4,000,000 ex-soldiers.

Mr. SANDERS. I understand that.

Mr. SPARKS. But just the people who are compensable.

Mr. SANDERS. The law as at present drawn provides only for the burial of men who serving in the Army or Navy or Marine Corps. This proposed amendment deals with an entirely different subject, which is the burial of persons who were soldiers, who are in the hospitals, and die because of injuries for which they are compensable.

Mr. SPARKS. Yes, sir; that is true.

Mr. SANDERS. Has there ever been any estimate of the cost of that per annum?

Mr. SPARKS. Taking it on the basis of 325,000 people, the death rate would not be so very high. You could depend upon an eventual expenditure of about two hundred times and more 325,000, which would be spread over a period of years.

Mr. RAYBURN. This provision is just to increase the amount, because there is already \$100 allowed.

Mr. SANDERS. Will you read that law? If that is the law, I am wrong about it.

Mr. RAYBURN. I believe you are correct about that.

Mr. SANDERS. Yes; the law now deals only with soldiers, and this new proposal will, of course, continue to take care of the soldiers, but will also include over 300,000 former soldiers.

Mr. SPARKS. Does not the law now deal with the men in these hospitals?

Mr. SANDERS. My recollection of it is that it does not. I may be wrong about that.

Mr. SPARKS. It deals with the men confined in Veterans' Bureau hospitals who are compensable under the bureau.

Mr. SANDERS. Let us see the law.

Mr. SPARKS. This is on page 21 of the war risk insurance act in section 301, an amendment:

"If death occur or shall have occurred subsequent to April 6, 1917, and before death or resignation from the service of the United States, the United States shall pay for burial expenses and the return of the body to his home, not to exceed \$100, as may be fixed by regulation."

Mr. SANDERS. That is before he has severed his connection with the service as a soldier.

Mr. SPARKS. Yes. May I ask the bureau here a question?

Mr. SANDERS. Yes. I am simply asking for information.

Mr. SPARKS. What is the rule of the bureau on that, Mr. Breining?

Mr. BREINING. We pay \$100 for burial expenses in addition to the expense of transportation.

Mr. SPARKS. Any one of your beneficiaries?

Mr. BREINING. Any beneficiary dying in a hospital or vocational school.

Mr. SPARKS. In that case you pay \$100?

Mr. BREINING. Yes.

Mr. SANDERS. Under what law is that?

Mr. BREINING. Under the war risk act.

Mr. SANDERS. I am just asking for information.

Mr. BREINING. It is also involved in a number of decisions of the comptroller.

Mr. SANDERS. I am asking simply to find out what the law is now and what is the proposed change. It seems to me the law now only deals with soldiers.

Mr. SPARKS. Until Mr. Breining can find the law the presumption is that this merely increases the amount from \$100 to \$200.

The CHAIRMAN. Why do you confine it to soldiers and ex-soldiers in hospitals?

Mr. SPARKS. Because 99 per cent of the men in hospitals, it is presumed, their death was directly due to service.

The CHAIRMAN. But suppose there is 1 per cent outside, are they not just as worthy?

Mr. SPARKS. I did not catch that, sir.

The CHAIRMAN. Suppose you had 1 per cent of the same class of soldiers outside of hospitals who died, are they not just as worthy as the men in hospitals?

Mr. SPARKS. Humanely and from the standpoint of justice, I guess they are.

The CHAIRMAN. Then why do you cut them out in this provision?

Mr. SPARKS. Well, it is presumed that a man who dies in a Government hospital is there because of some injury to his mind or body in the service.

The CHAIRMAN. Let us accept that.

Mr. SPARKS. He is under the custodial care of the Government, and if he is out of a hospital he is not under the custodial care of the Government, and has the same status as any other citizen.

The CHAIRMAN. He is working under the laws of the United States and the Veterans' Bureau.

Mr. SPARKS. And as long as an ex-soldier in America can stand on his feet he should go along.

The CHAIRMAN. I do not think you come up to the question.

Mr. MAPES. May I interrupt you?

The CHAIRMAN. Yes, sir.

Mr. MAPES. Is there not perhaps this thought involved too? If a man dies outside of a hospital on account of injury due to war service, he is getting compensation.

The CHAIRMAN. He is getting it inside the hospital just the same.

Mr. MAPES. Then this is a double protection to a man who is compensable.

The CHAIRMAN. It puts a premium on a man going to a hospital whether he wants to go there or not.

Mr. SPARKS. I know, but a man is not going to a hospital unless he has to.

The CHAIRMAN. That is all right, but even so, must you drive the men into the hospitals?

Mr. SPARKS. They are not going into a hospital just to get a burial of some kind.

The CHAIRMAN. Then you want to go on record as not favoring the care of those outside of the hospitals?

Mr. SPARKS. Frankly, I do not think that question is involved.

The CHAIRMAN. I am asking you the question, whether it is involved or not.

Mr. SPARKS. Well, please state it very specifically.

The CHAIRMAN. You ought to be able to know the question before you answer it so firmly. Do you have any objection to having the law cover persons who are compensable, whether in a hospital or out of it, as affecting burial and transportation?

Mr. SPARKS. This law provides that very thing, sir.

The CHAIRMAN. Where does it do that?

Mr. SPARKS. It starts out and says: "Where a person dies before or after discharge or resignation from the service because of injury or disease compensable under this act, the United States Veterans' Bureau," etc.

Mr. SANDERS. And as you propose to amend it "or is confined in a hospital."

Mr. SPARKS. Yes, sir.

Mr. SANDERS. Now, Mr. Chairman, may I interrupt your line of questions just to say this?

The CHAIRMAN. Yes.

Mr. SANDERS. Do you think it is proper to say that people outside of hospitals, as suggested by the chairman himself, shall show that they died from a compensable disease while a person inside of the hospital is buried regardless of that fact. Suppose a person were inside of a hospital being treated for a tubercular bone and he contracts some other disease, or because of some other disease not contracted in the service he dies. Now, you are going to give him a burial under the terms of this bill, irrespective of the question of whether he died from a compensable disease or not; but if a man is outside and does not go into a hospital, on account of this tubercular bone, and dies from some other cause, you will not give him the burial. Is not that an unjust discrimination?

Mr. SPARKS. No; for the simple reason right now, under the Sweet bill, that man with a surgical tubercular condition can not under the law get into a hospital.

Mr. SANDERS. I just used that as an illustration. I will put it in the abstract, because I want to deal with the question and not with any side issue. Under your proposed amendment, a man who is in the hospital and dies from a disease not contracted in the service is given a burial under this provision. Everybody agrees about that.

Mr. SPARKS. Yes, sir.

Mr. SANDERS. If the man is not taken to the hospital, although he is suffering from a compensable disease and dies from something else not caused by his service, he is not given a burial.

Mr. SPARKS. No, sir.

Mr. SANDERS. Now, that is plain as can be.

Mr. SPARKS. Yes, sir.

Mr. SANDERS. And it is a clear discrimination, is it not?

Mr. SPARKS. No, sir; I do not think so.

Mr. MAPES. Is your statement correct that if he is suffering from a compensable disease and is outside of a hospital, that even if he dies from something else he would not have the burial privilege?

Mr. SANDERS. Yes, under this proposed bill. The bill says where a person dies before or after discharge as a result of injury or disease compensable, etc. A person on the outside must die from a disease or injury of service origin, but a man who goes into the hospital by reason of some trouble and dies of a disease or injury not of service origin, you are going to give him burial and refuse the other soldier burial merely because he did not go to the hospital.

Mr. SPARKS. I think, Mr. Sanders, if the provisions providing for striking out "pulmonary" and raising the time limit are put into this new bill, that will automatically remove the exceptions under this section, because these men that are in the hospitals now and die are the border-line cases that are just over the point of compensability under the present Sweet bill.

Mr. HOCH. Mr. Sparks, I want to get a little clearer your argument that a man be given hospitalization where he has tuberculosis regardless of whether there is any showing it was caused in the service or whether it came within the period of presumption.

Mr. SPARKS. Yes.

Mr. HOCH. Are there any other cases under which a man might be in a hospital where he did not have a compensable disease?

Mr. SPARKS. You mean any other disease?

Mr. HOCH. I mean just what I said. Are there any other cases where a man would be subject to hospitalization where he did not have a compensable disease other than the one you suggested with reference to tuberculosis?

Mr. SPARKS. Yes, sir; there are other cases.

Mr. HOCH. What are they?

Mr. SPARKS. Well, a great many diseases, but we think that tuberculosis is the most serious problem and therefore we are asking for that just now.

Mr. HOCH. You do not get my question. I am not debating that question. You are attempting to pay burial expenses not only of men who die as a result of injury or disease that is compensable but also your proposal is to pay burial expenses for a man who is in a hospital.

Mr. SPARKS. Yes, sir.

Mr. HOCH. Now, I am trying to get at what are those additional cases of men who are in hospitals who do not have a compensable disease. You have named one, namely, under your proposal the case of a man who has tuberculosis.

Mr. SPARKS. Yes; I catch your idea now.

Mr. HOCH. Now, what other cases are there.

Mr. SPARKS. The nervous and mental cases.

Mr. HOCH. Well, the same question would apply to those cases that Mr. Sanders asked about where the basis of your distinction in paying the burial expenses for that class of cases was simply because a man is in the hospital. Suppose a man has one of these nervous diseases which is not compensable?

Mr. SPARKS. Under the present law?

Mr. HOCH. Yes; and is not in a hospital, then under your proposal he would not have his burial expenses paid, but if he was in a hospital he would have them paid.

Mr. SPARKS. That goes right back to my original proposition; that if you change your law here and wipe out the exceptions under this proposed amendment they all become compensable; that is, if you raise the limit to five years or four years. Do you see what I mean.

Mr. HOCH. No; I do not.

Mr. SPARKS. I mean this: I am referring to the border-line cases of the several hundred men who are now in the hospitals who are not now compensable. If you raise the limit to three or four or five years for tuberculosis, and most certainly five years on nervous and mental cases, you will automatically connect these men now in the hospitals with service, and they will be compensable.

Mr. HOCH. That would be true with reference to that class of cases.

Mr. SPARKS. Mr. Chairman, may Mr. Breining answer one question here?

Mr. MAPES. That would be true temporarily but it might not be true five years from now.

Mr. SPARKS. Well, we can not tell what the future is going to produce.

Mr. MAPES. I know that, but if we can fix this law so as to take care of all the cases in the future, we ought to do it.

Mr. SPARKS. I agree with you that this law ought to be made as permanent as possible.

Mr. MAPES. If you say that a man suffering from certain diseases in the future shall be admitted to the hospitals, he might be compensable now but he might not be compensable five years from now, so that the amendment would not take care of the future necessarily.

Mr. SPARKS. No, sir; that is true, on that theory.

Now, Mr. Chairman, may Mr. Breining say just a word?

Mr. BREINING. I would just like to make it clear what we do now with reference to burial expenses. Under the present procedure—this is not in the original war risk act but is in the appropriation bill—the bureau pays \$100 for burial expenses, and in addition thereto the transportation of men dying in hospitals of compensable injuries or men dying in vocational schools where they have been ordered to by the Govern-

ment. The class of cases where a man dies in a hospital which we do not pay burial expenses is where the man is hospitalized out of an emergency; that is, a man comes into the hospital and says, "I am an ex-soldier and I believe I have gotten this injury through my war service," we put him in a hospital, if it is a real emergency, because we can not say that we will take that statement and let him stand out in the street until we find out whether it is a compensable disability or not.

In those cases, if the man dies and it is found he is not a compensable disability, we notify his relatives and they have to bear the expense. In the cases where a man is in the hospital and dies of a compensable disability, we pay the transportation to his home and \$100 for burial expenses. The proposal which the Veterans' Bureau is going to suggest, which entirely changes the wording of this section, is that in the future they pay the transportation of a man's body home from a vocational school or a hospital, when he has been ordered there by the Veterans' Bureau and in addition his burial expenses at a fixed sum. Whether it be \$100 or \$200 is for your committee to decide.

Mr. SWEET. Where is your authority for what you are doing now?

Mr. BREINING. That is in the appropriation act. It is specifically in our appropriation for medical and hospital expenditures.

Mr. SANDERS. Have you the reference to that?

Mr. BREINING. I have not the reference to that act.

Mr. SANDERS. The reason I am asking that is because it might apply simply to that particular appropriation, and, if that is true, the law would terminate at the end of the year.

Mr. BREINING. It does.

Mr. SANDERS. Or it might have gotten by a point of order and be permanent law, and I would like for you to be kind enough to give us the reference later, if you have not the reference now.

Mr. BREINING. It is in the specific appropriation for that purpose.

Mr. SANDERS. If the wording is a proviso containing the word "hereafter," then that makes it permanent law. If it just says, "out of this appropriation," etc., then it is only for the life of the appropriation.

Mr. BREINING. We have been carrying it for year after year, and it is not permanent law.

Mr. SWEET. Has that been carried in each appropriation bill for the last three or four years?

Mr. BREINING. Yes, sir; in each appropriation bill. What we propose is to pay the expenses of every man dying from a compensable disability. The reason for that is—

The CHAIRMAN. Will you give us a statement about that a little later?

Mr. BREINING. Yes; I just wanted to make this other point clear.

The CHAIRMAN. Now, Mr. Sparks, if you will just tell us what there is in the bill you do not approve of or any additions you have, I think we will make better headway.

Mr. SPARKS. Yes. Now, gentlemen, the provisions of this bill seem to me to be all right. We have introduced a number of resolutions which I would like for the committee to consider in framing the new bill.

The CHAIRMAN. They are the ones introduced by Colonel Taylor the other day?

Mr. SPARKS. Yes, sir. And if there are any questions you would like to ask me on the provisions of the bill which you have submitted, I will be glad to answer them, and if not, I would like to have Doctor Dunn speak for us on the question of this period of four or five years.

The CHAIRMAN. Does any member of the committee desire to ask Mr. Sparks any questions? If not, Doctor Dunn, will you please qualify?

Mr. LEWIS. Mr. Watson B. Miller, vice national commander of the Legion, would like to address the committee for a moment on this subject.

The CHAIRMAN. Now, just where does he come in?

Mr. SPARKS. I would like for him, Mr. Chairman, to say just a word before Doctor Dunn takes the stand on this five-year business. That is where we are making our stand on that section.

The CHAIRMAN. He is only going to address himself to that one point?

Mr. MILLER. I will be very brief, Mr. Chairman.

STATEMENT OF MR. WATSON B. MILLER, NATIONAL VICE COMMANDER OF THE AMERICAN LEGION.

Mr. MILLER. In going about the country, gentlemen, on Legion business, I have come in contact with a small class of men, about 60 in number, former soldiers and sailors, having served in the war with Germany, who have in a variety of ways completely lost the hearing of both ears, and I have found that few of these men have

made progress in the matter of lip reading. Some of them can understand their wives and their immediate associates, but they do not know what is going on about them. None of them so far as I know is raising any great howl, but they say that while not claiming they are totally and permanently disabled, that if a man who has lost one eye and one hand, for example, is totally and permanently disabled, that a man who has completely lost the hearing of both ears, for example, in a sudden fall in an airplane accident, is also totally and permanently disabled. They call my attention to the fact, and this is supported by doctors with whom I have talked, and is not disputed by others, that in addition to the physical disability involved, there is also a psychological reaction.

Such a man is apprehensive and nervous because he does not know what is going on about him most of the time, because he can not hear anything. They suggest to me that if I were employing a man in ordinary vocations, I would be very likely to accept the services of a man who had the use of one eye and one hand rather than to employ a man who could not hear any of my directions; and in that the class is very small and in that now the Veterans' Bureau is paying them 65 per cent only—and of course they get no benefits on any insurance they may carry—speaking personally—and I have not consulted with the chairman of the national rehabilitation committee—I would like to see the words inserted in line 17, on page 6, after the word "eye," "or loss of hearing of both ears."

These men are getting \$52 a month. Most of them have families and in practically all of the cases with which I have come into physical contact, the wives involved are working and doing their share toward the family upkeep. If this committee is in agreement with the notion that a man who has lost the hearing of both ears and is completely deaf is also totally and permanently disabled, it would affect this class of 59 or 60 only, in a beneficial manner. It would give them the benefit of the added payment and would give them the benefit of their monthly war-risk insurance payments.

Mr. SWEET. Colonel, what is the rating that the bureau now gives men that lost the hearing of both ears?

Mr. MILLER. Sixty-five per cent, sir. Sixty-five per cent or 52 and a fraction dollars per month, which I believe is not enough.

Mr. SWEET. Sixty-five per cent would be \$65?

Mr. MILLER. No; it is 65 per cent figured on the \$80 basis.

Mr. SWEET. Certainly it would be a permanent injury if his hearing was permanently lost.

Mr. MILLER. It would be a permanent injury; yes, sir.

Mr. SWEET. Or rather it would be partial permanent, which would mean 65 per cent of \$100.

Mr. MILLER. The ruling now is on the basis of 65 per cent of \$80, which gives them a little over \$50 a month. I have this from these men themselves.

Mr. SWEET. I am inclined to think you are mistaken in that regard. Certainly the rating would be partial permanent, and if it is partial permanent, he would receive 65 per cent of \$100.

Mr. MILLER. I believe I am correct, in a general sense, and I will ask Mr. Breining what the situation actually is. The testimony I have gotten has been from these men themselves, in meeting them from time to time throughout the country at national conventions of the American Legion, and from being able to size up their cases from the standpoint of a sympathetic layman and not as a medical man. What is the situation, Mr. Breining?

Mr. BREINING. If it is permanent he gets \$65. If it is a temporary disability he would only get 65 per cent of \$80.

Mr. RAYBURN. You mean temporary partial instead of temporary total.

Mr. BREINING. Temporary partial, yes.

Mr. MILLER. That happens to be the case with all these men with whom I have discussed the financial side of the issue.

Mr. SWEET. Of course, if you are rating men who have permanently lost their hearing, they should fall within the permanent class, and you are talking about those who are permanently injured.

Mr. MILLER. Entirely so; yes, sir; but I am a little in doubt yet as to whether that question of permanent or total permanent deafness can be prejudged except in the case of actual external, physical breaking of the ear drums, we will say, or nerve shattering or loss of bone conduction.

May I further add that it is my belief that compensation based on 65 per cent of either partial permanent or total permanent is not sufficient and does not comport with the disability involved in the loss of hearing of both ears.

Mr. SPARKS. Mr. Chairman, I would like to now present Dr. William LeRoy Dunn, of Asheville, N. C., our adviser on tuberculosis.

STATEMENT OF DR. WILLIAM LEROY DUNN, ASHEVILLE, N. C.

The CHAIRMAN. Doctor Dunn, give your name and address and the capacity in which you are appearing here.

Doctor DUNN. William LeRoy Dunn, Asheville, N. C. I am appearing here as the adviser of the American Legion on the subject of tuberculosis.

Mr. Chairman and gentlemen, you will have to bear with me. I am not accustomed to public speaking. My audience usually consists of only one person, being a doctor, so if I am a little bit diffident, you will pardon me.

Mr. Sparks has asked me particularly to speak to the point of the period of compensability with hospitalization in cases of tuberculosis.

I think already the question of excluding the word "pulmonary" and making it cover all cases of tuberculosis has been taken up. This, of course, is a matter of considerable importance. The bill, as I understand it, has used the word "pulmonary" which naturally excludes many other cases of tuberculosis which should properly have come in the same category as tuberculosis of the lungs. As I understand it, the original bill which provided that these cases were compensable and might be hospitalized up to two years was the outgrowth largely of the fact that nobody could, in every instance, accurately connect the tuberculosis with service origin. I might say that in a disease like tuberculosis it is of such an insidious character, with such slow approaching and oftentimes without symptoms in its onset, it is frequently almost impossible for the most skilled medical man in tuberculosis or in lung disease to know how far back the disease may have had its origin. We know that commonly many people go on for several years, where we know they have active disease, without any symptoms that attract the attention of the patient or his associates. So it is quite impossible for anybody to draw the line definitely as to just how far back something may have influenced the development of the disease.

As I understand it, originally the two years was put in to cover a large number of these people. That the two years has not covered all of them has been, I think, a matter of experience.

Personally, I think that a five-year period—I am speaking as a medical man now purely and simply—personally, I think the five-year period carries us a little beyond what is reasonable to connect the pulmonary tuberculosis, in a vast majority of instances, with the service. I do think, from a medical standpoint, that there are a very large number of men who develop tuberculosis in a recognizable form at the end of three years that very well could have had their reactivation processes in service origin. I frankly admit that even two years or one year must take in a great many people who developed the disease entirely independent of service. I am perfectly willing to admit that, but there is no way of distinguishing those men at all.

I take it also that in dealing with the question of tuberculosis, we are dealing with a rather bigger problem than one simply of the disease itself. It is a human problem and an economic problem as well as a medical problem. If I may go a little further than being purely a medical man, tuberculosis is a disease that requires many, many months to even get a temporary result, sometimes requiring years to secure a result that is really worth while and puts a man back into workability.

These men at the beginning of their economic life were interrupted by service. The very nature of the service was such as to destroy the initiative of most men. The life was such that a young man going into the service had particularly the job of obeying orders and following them. The whole training of a soldier is pretty largely destructive of initiative; the sort of thing that makes it possible for a man to take hold. I say that frankly, speaking somewhat theoretically. I was a man of nearly 50 years when I went into the service and I found when I came out, although I had my habits of life well developed, there was a distinct lack of initiative that made it hard for me to take hold of life and go ahead and go on with the machine that was really still running. That was doubly true of these young men who had not formed their habits of life and who had not formed work habits. They came back to work at a time when economic conditions were such that even with a tremendous amount of initiative they would have found it difficult to have gotten a full hold and gotten started again.

I am only making this point, that inasmuch as tuberculosis is a disease which requires a long, long time of inactivity, lack of earning capacity, whether the disability is, from the ordinary standards, complete or not, and these boys did not have the time to get on their feet and get started and accumulate something with which to meet this long rainy day. I think that is a thing that has to be taken into consideration always in the question of tuberculosis. I say that from an experience of 30 years in private care of the tuberculous.

Now, it was a matter of experience that with the two-year period there were large numbers of them that could not be taken care of even where there was reasonable connection between the service and the disease. For example, Mr. Sparks has called attention to the regulation 20-b, I believe they call it. A man who appeared for help of the Veterans' Bureau at two years and three months with an advanced case of tuberculosis could not be covered. Why? Simply because he had no acceptable evidence that he had the tuberculosis within the two-year period. Every medical man knows and every layman would know that a man sick as he was with tuberculosis must have had tuberculosis many months before. The result was—and these gentlemen from the War Veterans' Bureau can correct me if I am wrong in this—it presented a great many difficulties.

An advisory board consisting of Doctor Baldwin, of Saranac Lake; Doctor Lyman, of Connecticut; Doctor Pettitt, of Illinois; Dr. James Alexander Miller, of New York; Doctor Dunham, of Cincinnati, and myself were called to make some recommendation upon this very question. Excluding myself, please, that committee represented the best thought in tuberculosis in the United States to-day.

The first recommendation was that it should be accepted that a man who had tuberculosis of a minimal type which was recognized two years and three months after discharged from service would naturally be covered by the bill, and one who had tuberculosis of a moderate advanced type should have two years and six months, and one with tuberculosis far advanced two years and nine months. I do not know whether that is exactly correct or not, but that is approximately true. This was found not to be sufficient, and at a subsequent meeting the recommendations that are embodied in 20-b were suggested by this committee, which provided that a man with minimal tuberculosis, the very least type that could be recognizable, if it was recognized two years and six months after service, it was certainly prima facie evidence it had occurred within the two-year period. If he had moderately advanced tuberculosis, which was recognized two years and nine months after his discharge, that that should be considered as good medical evidence that it had occurred within the two-year period; and if it was advanced, three years.

Am I taking up too much of your time, gentlemen, with this matter.

The CHAIRMAN. No; go ahead. Your statement is very illuminating.

Doctor DUNN. I do not want to bore you, gentlemen, but this subject is very close to my heart and I am very apt to talk too long.

Mr. SWEET. Doctor, I would like to ask you a question. The old law reads "active pulmonary tuberculosis." The proposed change in the bill reads "active tuberculous disease." Do you deem it wise to open up this question in connection with tuberculosis to the full limit here? The original law said, "active pulmonary tuberculosis," whereas the bill now says "active tuberculous disease." Would what you have said here apply as well to active tuberculous disease as to pulmonary tuberculosis?

Doctor DUNN. I am glad you have brought that out so that I must make it clear, because I see I have confined myself so largely to speaking of the disease of the lung that I have neglected the other.

Tuberculosis, as you will understand, is one of the few diseases that will affect practically every organ and every tissue in the body. The course that tuberculosis runs is practically identical, whether it occurs in the bone, whether it occurs in the liver, whether it occurs in the lungs, or whatever organ it may occur in. It has the same type of insidious course except with a few exceptions, for instance, where it occurs in the brain, and that question can not arise because it is usually a complication of tuberculosis in some other part of the body and is quickly and uniformly fatal, death occurring in a few days or in a few weeks.

What I have said applies, I think, equally well to all forms of tuberculosis, because the tuberculosis we have to deal with more especially is that of bone tuberculosis.

Mr. SWEET. Do you believe the word "active" should be used in each instance?

Doctor DUNN. Yes; I think "active" should be used. It is always going to be a source of trouble. It has been a source of trouble to the medical profession, and ever since the question of tuberculosis has been discussed the word "active" is a word that has always caused us a great deal of trouble.

However, as we have a very distinct clinical conception of what we mean by "active" and "inactive," there will not, I think, arise any confusion. But without "active" in it, sir, you will immediately compensate probably 90 per cent of all the people that live, because everybody has got inactive tuberculosis—that is, everyone has got either inactive or active tuberculosis—and so we have to put in the word "active." We can not do otherwise.

Mr. SWEET. The original law says, "neuropsychiatric disease." But the bill that we have before us for consideration says, "psychosis, neurosis, or psychoneurosis." Now, will you explain to the committee the difference between those two terms?

Doctor DUNN. You are getting me into very deep water, sir, when you get into the field of neuropsychiatry. Doctor Salmon is the man to really properly answer those questions. That is a very highly specialized field of medicine, sir. And the reason for that is that all conditions can not be called neuropsychiatric, because some of them are neurosis purely and simply; some of them are psychosis purely and simply, and some of them are called psychoneurosis. And I am absolutely unable to make that clear to you, because it is not clear to myself. Doctor Salmon will have to explain that. That is his special field.

The CHAIRMAN. You are working on the question of tuberculosis?

Doctor DUNN. Yes: I am working on the question of tuberculosis, and would not feel able to go into a discussion of this other subject.

The CHAIRMAN. Doctor Dunn, can you give a definition of tuberculosis which would be comprehended by a layman, or ought to be, suggesting the fundamental proposition underlying the general subject of tuberculosis?

Doctor DUNN. Tuberculosis is a disease caused by a specific germ, a germ that is known as the tubercle bacillus. Now the tubercle bacillus produces certain changes in the tissues of the body. Those changes, with the slight modification that comes because of the peculiar structure of the tissue in which they occur, are practically the same in every instance, and the production of these tubercles and these changes in the tissue brings about the destruction of function, or destruction of life of tissue.

The CHAIRMAN. Does the germ or bacillus attack the tissue and change it, or is the germ or bacillus attracted to a tissue which is out of the ordinary run of normal tissues? Does one attract the other, or does one set up the other?

Doctor DUNN. Well, I do not think either is true. The germ finds access to the body usually some time in childhood. It may find it at any time during life. It finds this lodgment, and because of its presence it attracts certain normal cells of the body to it, which come really to attack its life, and which are modified, not only because of their activity, but because of the activity of the organism, and finally it produces a structure which is a peculiar arrangement of the cells of the body, part of them normal cells of the body, partly modified because of the presence of this germ there. And it produces this tiny rounded shaped body which we know as a tubercle.

The CHAIRMAN. But does it overcome some people and not overcome others?

Doctor DUNN. Well, we sometimes say, for the purpose of making it clear—which it is not, however, scientifically correct—that everybody has tuberculosis. Tuberculosis has some people. So long as we have tuberculosis we are safe. It is when it gets us that we are in trouble. I don't know whether I have made myself clear or not.

The CHAIRMAN. I think you make your result clear, but I was more interested in the cause.

Doctor DUNN. The cause brings me into the great field of acquired immunity and natural resistance, which, I am afraid, is rather a big problem to take up and discuss here to-day, and which is rather a big problem at any time for me, although I am especially interested in the field of immunology.

Mr. SWEET. Is it necessary to human existence to have the tuberculosis germ in your body?

Doctor DUNN. I am afraid this committee is leading me rather afield, gentlemen. It is a very interesting subject for discussion, you know. Everybody is supposed to have tuberculosis.

Mr. SWEET. Well, that was the reason I asked.

Doctor DUNN. Practically everybody, as a matter of fact, has tuberculosis. We know perfectly well that practically every adult; that is, over 90 per cent, at some time during his or her life, has been infected, or is infected with the germ of tuberculosis. It lies dormant in the vast majority of people. For some reason or other that which we call, for lack of a better word, the normal resistance, is broken down, and the germ is allowed to go to work, and it does go to work. Now, what we mean by resistance being broken down depends very largely upon who is talking. But the balance between the disease germ and the body in some way is thrown the other way, and the disease begins to make its advances. In the vast majority of people the disease germ lies dormant in the glands, usually in the glands, throughout the years. And then later in life something happens, like the service of a soldier, which opens up the door whereby this disease can get its hold. Now, everybody, you understand, had tuberculosis during the war. There were not any exceptions, practically speaking.

Mr. SWEET. That was my idea.

Doctor DUNN. But some of the things that occurred during the war are of such a nature as to open up a little crack, a little door, if you please, whereby this disease began to get its hold. Now it is an insidious, sneaking sort of a thing, and oftentimes

it is years and years and years before you and I know, unless we happen to examine a man, that the disease has made itself manifest in the way of marked symptoms or disabling results. That oftentimes happens. To illustrate my point, if I may take your time for just a moment in doing so. A number of years ago, probably 20 years ago it so happened that I examined the sister of a young man who had been under my care, and the young man had as a matter of fact died of tuberculosis. His sister was a little bit anxious, and she was examined. I found in an area in her chest very slight manifestations of active tuberculous disease. I advised her at the time to take care of it and watch out for it. But she did not. And I had a number of letters from her as the years went by, in which she said that in spite of my advice she was not doing anything and that she was remaining well. Eight years after I had recognized this active disease there she came to me, and I found that very same area of disease, only tremendously extended. It had reached a sufficient area to make her ill. Now that case only illustrates the point that I have been making. She was thoroughly convinced during all this period, that nothing was wrong with her. It was simply by accident that I had examined her in the first place and found that she did have an active lesion, and in going over that very area later we found that this same area was involved, only that it had been extended tremendously.

Now that is what occurred to these boys in the service. They went in with tuberculosis, and because of things that arose in connection with the service, the resistance of some was broken down, and some became ill right straight off and maybe died of acute tuberculosis. Others went on and had a little cold, a little cough occasionally. Tuberculosis does not always come in and burn its victim up as in a flame. It goes up and it goes down. It has its period of activity and its period of quiescence. A man may have 20, 30 or 40 alternating periods of activity and quiescence before anybody thinks he is ill or has tuberculosis. Oftentimes before it is recognized there has been a great number of alternating periods of activity and quiescence.

Now that is the difficulty we have got to deal with in tuberculosis, gentlemen, and that is the reason we ask for this extension, and that is why we feel that these men should receive the aid of the Government far beyond what might be thought to be any reasonable connection, so far as your seeing the connection is concerned.

That is the reason for it. Do I make myself clear? The doctor does not live who can build it back. If we could, all that would be necessary to do would be to study it back and build it back and find out. I have been in this work for nearly 30 years, but I can not do it, and I do not think I am stupid.

Mr. SWEET. And you think this three-year period is a reasonable period?

Doctor DUNN. I think that is a reasonable period. We must allow the bureau to make allowances for those people who come in with advanced type of disease. I am perfectly frank to say that a three year, two year, one year, or any period you may decide on, may take some men in whom disease did not have anything to do with the service. I grant you that.

Mr. HOCH. The present period of two years is purely, as I understand it, a rule of presumption of service origin for the benefit of the patient. And I take it, based upon the theory that since it is difficult to prove service origin the claimant should be given the benefit of the doubt. Now, the present law limits that presumption to the case of active pulmonary tuberculosis, and it is sought here to extend that so as to cover all cases of tuberculous disease.

Doctor DUNN. Three years.

Mr. HOCH. Now, as a medical man do you think that it is just as probable that some other sort of tuberculous disease may have been caused by the service as pulmonary?

Doctor DUNN. That is true. Any type of tuberculosis might be active.

Mr. HOCH. I had presumed that the reason it was limited to pulmonary was because of the fact that so many men were gassed, and it was presumed that that was the occasion of their pulmonary tuberculosis. Was there a basis for that distinction?

Doctor DUNN. I expect so, but we, as medical men, as a matter of fact, believe that gas had nothing to do with the development of tuberculosis. We haven't any convincing evidence that gas was responsible for the development of pulmonary tuberculosis.

Mr. HOCH. In other words, there is just as much reason, in your opinion, for setting up a presumption of service origin in one kind of tuberculosis as there is in another? Doctor DUNN. True.

Mr. HOCH. That is the heart of that proposition.

Doctor DUNN. Yes.

Mr. HOCH. Now, the second proposal is to extend this beyond the two years. And your judgment is that if a man shows an advanced stage of tuberculosis within three years, that it is to be presumed, from a medical standpoint, that he had active tuberculosis within two years?

Doctor DUNN. Yes, sir.

Mr. HOCH. That is all there is, really, to this proposition?

Doctor DUNN. I think that is all there is to it.

Mr. HUDDLESTON. Mr. Chairman, may I ask a question?

The CHAIRMAN. Mr. Huddleston.

Mr. HUDDLESTON. Doctor, as I understand, the two-year period was fixed upon the theory that the disease was active during the period of service but that its activity was not then disclosed, nor so recently after the soldier was discharged as to raise a presumption of service connection.

Doctor DUNN. Yes, sir.

Mr. HUDDLESTON. Therefore the purpose of the two-year period was to give two years in which the soldier might find out that he had tuberculosis, and make proof of it, the presumption being that it was active while he was in service.

Doctor DUNN. The presumption being that.

Mr. HUDDLESTON. Yes.

Doctor DUNN. Undoubtedly not so in every instance.

Mr. HUDDLESTON. Now the extension of this time, as authorized by rule 20 (b) is intended for the purpose of relieving the soldier of the duty of proving that he had active tuberculosis within the two-year period?

Doctor DUNN. Yes. I think I understand what your point is, sir.

Mr. HUDDLESTON. I was just about to get to my point. It is this, that that extension is not given for the purpose of raising a presumption that he had active tuberculosis while in service, but merely that he had it during the two-year period?

Doctor DUNN. Oh, yes. It was for that purpose. I get your point now. You are referring to 20 (b)?

Mr. HUDDLESTON. Yes.

Doctor DUNN. The 20 (b) ruling was simply for this reason. The man who appeared in two years and two months after discharge, we will say, with an advanced tuberculosis, who had not seen any doctor, who had lived in the country some place, who had no competent medical evidence to show that he had had the tuberculosis inside of the two years, who had had no one who had seen him, no doctor had made a diagnosis, no doctor had examined his sputum, no doctor had made an X ray of him, and he appeared here two years and two months after discharge from service, although it was perfectly evident to everybody that he had had the same disease, whatever it was, may be a year before that, he could not establish his claim for compensation. Therefore it was advised that in the case of a man with even an early tuberculosis, a tuberculosis that might be recognized with the greatest care, that if you were able to recognize it within two years and six months, that that was good sound medical evidence that he had had the disease in an active form within the two-year period.

Mr. HUDDLESTON. The purpose of the soldiers' compensation law is to compensate soldiers for disabilities which are caused by their service.

Doctor DUNN. Directly or indirectly.

Mr. HUDDLESTON. Yes.

Doctor DUNN. Now in its application to tuberculosis that purpose is not changed. That is merely a rule of evidence, rather than a rule of compensation.

Mr. HUDDLESTON. I beg your pardon; I lost the last part of your statement.

Doctor DUNN. I say that purpose is not departed from by the provision applying to tuberculosis.

Mr. HUDDLESTON. It was not the purpose of Congress when passing that law to give men compensation merely because they had tuberculosis in an active state within two years after their discharge. That was not the purpose of it. The purpose was to give them compensation for tuberculosis that was active while they were in service.

Doctor DUNN. To make it possible for them to be compensated.

Mr. HUDDLESTON. Now it appears that the bureau has gone on beyond that and is undertaking to compensate men upon the presumption that they had active tuberculosis within two years after their discharge. Now was that thought had in mind by the committee that made the recommendation?

Doctor DUNN. I do not think I quite grasp your question.

Mr. HUDDLESTON. Maybe I can put it in a little plainer form. By rule 20 (b), was it the purpose to compensate soldiers because they developed active tuberculosis within two years after their discharge, or to compensate them because they had tuberculosis while they were in service, had it in an active stage, and yet it did not disclose itself during that period?

Doctor DUNN. I would have to answer your question, I think, in this way: Rule 20 (b) was not passed with any idea of connection of tuberculosis with the service at all. But it was recommended in order that the men who were not fortunate enough to have

been seen by a physician, or otherwise, within that two-year period, could properly be compensated, or could get their rights from that law. Now, I am speaking crudely, but I think you understand my point. The whole point, as I said before, was this, that if a man lived out in the country some place, or had not been seen by a physician, or did not have competent evidence, the law did not apply to him, and there was no means of connecting him up with it at all. The bureau had to have some authority behind it, because it was a self-evident fact that the man who was in the last stages of tuberculosis after two years and three months, had had tuberculosis in the two-year period.

The CHAIRMAN. Do you mean that the giving of that extra time amounted to a sort of tolerance allowed in order to establish the fact that the man really did have tuberculosis within the two years prescribed by law?

Doctor DUNN. To the law applied to him.

The CHAIRMAN. But had not been deducted?

Doctor DUNN. Yes, sir.

The CHAIRMAN. And to give him the benefit of the treatment that he might have had had it been discovered, he was allowed the extra time to have it demonstrated that he really was tuberculous within the two years?

Doctor DUNN. Yes, sir; it was considered as perfectly competent medical evidence, if he was very sick from tuberculosis three months after the period, that he had certainly had it before, and that the bureau was justified in accepting that as final.

Mr. HUDDLESTON. Now, as I understood you, tuberculosis may pass from the active to the arrested state an indefinite number of times?

Doctor DUNN. You are using a word that I would rather not use. I said from an active to an inactive state; quiescent. Quiescent and arrested are two entirely different things.

Mr. HUDDLESTON. Will you explain that difference?

Doctor DUNN. A state of quiescence persisting for a sufficient period of time may be an arrest. An arrest is a very elastic term and is a word that we use medically the same as you use the word "cured." In speaking of tuberculosis we do not use the word "cured." We speak of the disease having been arrested. In other words, when a man would be well enough to speak of him, as you would, as cured, we would speak of the disease as being arrested. Tuberculosis is not a curable disease in the real sense of the word.

Mr. HUDDLESTON. Then, to return to my question. I understood you to say that the disease may pass from an active stage to quiescence and back again an indefinite number of times.

Doctor DUNN. In the course of its real activity; yes.

Mr. HUDDLESTON. So that at times it would not be discoverable and could not be called "active," and at other times it would be active, and it would all be the same infection?

Doctor DUNN. Exactly.

Mr. HUDDLESTON. So that there is nothing about two years or five years or any other given number of years which would necessarily include the course of this disease?

Doctor DUNN. Not in every case; that is perfectly true. Plenty of cases might come up seven or eight or nine years afterwards.

Mr. HUDDLESTON. A man may have actually contracted the germ of the disease in the first instance while in service, and it may have become active and then quiescent and then active and then quiescent again, covering a period of 25 to 50 years thereafter, and he may finally die of it; is that true?

Doctor DUNN. Well, of course, that is true. Of course, those are extreme, exceptional cases.

Mr. HUDDLESTON. I am trying to state an extreme case.

Doctor DUNN. I would say that seven or eight or nine years is not extremely exceptional. So much so that I am willing to appear here before you, as a medical man, and to assent to the three-year period, just because there are so many of those cases. Mr. HUDDLESTON. Now, I was going to come to this. I am at some loss to know why you would fix a two-year period or a three-year period or a five-year period, except as it removes the degree of presumption of service origin. Is there any other theory?

Doctor DUNN. Well, the percentage grows less and less as you go down. It was presumed that there were enough men who came within the three-year period to make it a justifiable request, you understand. If you are going to include all men, you would have to see all men who developed tuberculosis from the time of service to death, because that might occur in some exceptional instances. I say that is an extreme thing, that is *reductio ad absurdum*, but it carries the point that you are

making. Frankly, I do not believe that there are enough men at the end of five years with a reasonable connection between service and the disabling effect of the disease, to make me as a medical man, suggest five years. I don't believe there are enough. There are a great many at one year. I think there are less at two years, and perhaps less at three, but when we get beyond that I think we are dealing with, perhaps, cases that could be dealt with as exceptional cases purely and simply.

Mr. HUDDLESTON. Does what you have said with reference to the passage of this disease from active to quiescent, and back and forth, apply to other forms of tuberculosis than pulmonary tuberculosis with equal force?

Doctor DUNN. Not with equal force. Probably it applies equally but not with equal force, because it is not demonstrated as easily in other forms of tuberculosis as in lung diseases. It is more easily demonstrated in the lung disease.

Mr. HUDDLESTON. Are there what you call "quiescent" stages of tuberculosis of the bones?

Doctor DUNN. Yes. You know a great many people who are hunchback. Most of them have tuberculosis of the spine. It is a common experience to see them go on for a period being relatively well, except for the deformity, and then you find them again complaining of pain and disability, and perhaps the curve of the back becomes a little more pronounced, and they are put in bed, and there is a period of rest, and then they improve for a while, and then there is another period of rest. And then again others go along through the later periods of their lives without any symptoms at all, simply are hunchbacks. These cases are, in the vast majority of instances, due to tuberculosis of one or more of the vertebrae.

Mr. HUDDLESTON. Does that tuberculosis pass to the lungs and to other organs, or is it confined to the bones?

Doctor DUNN. Not always. Frequently have some lesion in the lung; frequently have some disease of the lung. It is a matter of common experience, however, that tuberculosis has its main seat in some one particular place, and that any tuberculosis occurring in other parts of the body is not very highly active. For instance, the bone cases are not very apt to have widely extended or highly active lung tuberculosis. They do sometimes, but I mean they are not so apt to. And the hunchbacks, for instance, very frequently go on for years and years without any very definite lung tuberculosis, only some disabling lung tuberculosis. The presumption is that the lesion in some part of the body gives a type of resistance, a general resistance to implantation of the germs in some other part of the body.

You were speaking about the period of quiescence. I do not know whether we differentiated sufficiently between a period of quiescence and arrest or not. I should like to illustrate by means of a chart which I have here. I will show this chart to the committee. Here we start out. This represents the period of the care in the hospital. This is indefinite. Here is a period in what we call the symptoms of cough. A lot of things disappear, and after they disappear we consider them what we call quiescent. And this is between what we call arrest and quiescence. Now, there is an indefinite period in here of quiescence. Then we have a period in here in which even what we hear—that is, the things that we interpret as signs of active disease—disappear—little riles, and other signs disappear; little bubbles that we get disappear. And then we come to the place where we speak of the word "arrest," and after that has lasted for a period we consider them as apparently arrested or apparently cured. After that has persisted for a number of months, for three months, then we speak of them as arrested; what you call a cure. I do not use that expression. I do not call it a cure. But that is the word that is ordinarily used.

Mr. HUDDLESTON. Why may the word "cure" be applied to some diseases and can not be applied to tuberculosis?

Doctor DUNN. The word "cure" can be applied to certain diseases. In tuberculosis we do not eradicate the disease. In typhoid fever the typhoid germs are eradicated. In scarlet fever the organisms are eradicated. In all the diseases that we know as acute diseases in which we speak of cure, the disease is eradicated; but in tuberculosis we do not eradicate the disease. It can not be done.

The CHAIRMAN. Is there anything further that you want to say to any other part of the bill?

Doctor DUNN. I have nothing further, unless there should be some questions. Mr. HOCH. I want to ask a specific question upon this provision. Under the present law the two-year limitation of presumption plainly applies both to an active pulmonary tuberculosis and to the nervous diseases, for it provides that "an ex-service man who is shown to have an active pulmonary tuberculosis or neuropsychiatric disease developing within two years," etc. Now under the proposed amendment of the law the limitation does not apply to psychosis, neurosis or psychoneurosis. Now is it the intention of those proposing this amendment to provide that nervous diseases developing at any time shall be presumed to have been caused by the service?

Doctor DUNN. Now you carry me out of the field in which I am particularly interested, and in which I would not be able to speak, really. My own opinion is that the time period should be different from that of tuberculosis.

Mr. HOCH. There seems to be no time limitation at all. Let me read that so as to have it in the record: "Provided, That an ex-service man who is shown to have psychosis, neurosis, or psychoneurosis, not due to an infectious disease nor to organic disease or injury, or is shown to have an active tuberculous disease * * * developing within three years after separation" etc. Now it seems that under that language, as I read it—I have not read further on, and maybe that will change it—there seems to be no time limitation at all upon the nervous diseases. What I am trying to get at is whether that is the intention of those who bring it in?

Doctor DUNN. I am not speaking officially, but I think it is the intention to ask for a longer period for the nervous cases, because we feel that the same period does not apply to both cases.

Mr. HOCH. Well, it is not only longer, but it is indefinite, if I understand the language here. It is interminable.

Doctor DUNN. Five years.

Mr. SWEET. Yes, I read it as you read it.

Mr. HOCH. Well, if that is what is proposed, then it will have to be changed, because if we put it in this way, if a man got one of those nervous diseases twenty-five years after, then it would be presumed to have had service origin.

Mr. SWEET. The Doctor made the statement that he was simply here upon one phase of the bill.

The CHAIRMAN. I understand that another medical man will be here to deal with nervous diseases.

Mr. HOCH. My question does not have to do specifically with the medical aspect of the nervous diseases, but the intention of those proposing this amendment, from the legislative standpoint.

Mr. MAFES. You do not intend to take the stand as a legislative expert, I understand?

Doctor DUNN. No, sir.

Mr. HOCH. Well, I do not care to press the question if the Doctor does not feel that he would like to answer it.

Doctor DUNN. To give you my own personal opinion, I would say that three years is a highly proper period for tuberculosis, but three years is too short a period for the so-called neuropsychiatric cases, and I am informed that it is expected that you will be asked to extend the time to five years for those cases, instead of three. I believe that Doctor Salmon will present that proposition to you. The question of nervous diseases is a much more difficult problem, in many ways, than that of tuberculosis.

Now, there is only one more thing that I should like to speak of, if I have made myself clear in what I have said, and that is the question of the hospitalizing of men independent of compensation. I may name the bill improperly, but we have a bill which was originally passed, I believe, for the veterans of the Civil War, which provides that any ex-soldier may be hospitalized in the Soldier's Home. It was known as the National Soldier's Home bill, or some such bill as that. At any rate, there exists to-day machinery whereby any World War veteran can be hospitalized, provided, however, that he makes an affidavit that he is financially unable to care for himself. Now, in order to be a beneficiary under this, in order to get into a Government hospital under this, he must make an affidavit that he is financially unable to take care of himself. Now, as a matter of actual experience with some cases that I have come in contact with in private capacity, they will not make such a statement; they will not make such an affidavit. They feel that they are making an affidavit declaring themselves to be paupers, as they express it, I think probably improperly, but you can not get behind what a man's feeling in that respect is. And I do not limit it to veterans of the World War at all; I think any man who has served his country and developed tuberculosis ought to be open to hospitalization because he was a soldier, not because he has not got any money, not because he can not play the game, has not got the money to do it. I think he ought, without the necessity of doing this sort of thing, be given entry to any Government hospital, whether it be a soldiers' home, hospital or veterans' hospital. To-day only the soldiers' home hospital is open to him.

Mr. SWEET. In other words, you would open up the whole field without any distinction at all?

Doctor DUNN. I don't see any reason why we should distinguish between the World War and the Civil War veterans.

Mr. SWEET. And without any limitation of time at all?

Doctor DUNN. Without any period at all. It is good sound economy for the Government to take care of those men.

Mr. SWEET. Your whole proposition is predicated upon this, that he must be without means?

Doctor DUNN. That is the situation at the present time. I don't think that it should apply to them only if they are without means. It ought not to be necessary for them to make an affidavit that they are without means. The truth of the matter is that it puts the honest man at a disadvantage with the dishonest man. The dishonest man will not hesitate at all to make an affidavit that he is financially unable to take care of himself. A great many honest men pull theirs on what they are able to do. They are not able to properly take care of themselves, it is perfectly true, but by perhaps taking a sister out of school, or somebody going to work they are able to take care of them. Now, that man will not make an affidavit that he is financially unable to be cared for by himself and his family. And I think we are putting a premium on dishonesty. I think we are asking these men to do something that they should not be asked to do, and I think we are going a little bit too far when we make them make an affidavit that they are paupers, practically. I am talking personally now, not as a representative of the Legion.

The CHAIRMAN. Would you favor an arrangement by virtue of which a man might be admitted free of charge if he had no means, but would be required to pay something on account if it would be determined that he had means, or was able to do it?

Doctor DUNN. If he has no means the statement that he has no means will get him in now.

The CHAIRMAN. Well, I mean without the consideration of the pauper feature of it. If any soldier is admitted to a hospital on application, is it not so?

Doctor DUNN. Well, he may now as an emergency measure, you understand. He may now as an emergency measure be admitted to any hospital. I am only saying this because it is a big public problem; it is a big subject; it is a question that concerns the whole country. It is good business for the Government to take care of these people, if nothing else. It doesn't make any difference whether they are soldiers or what they are.

The CHAIRMAN. But are you in favor of taking men into the hospital if they are able to pay something?

Doctor DUNN. Yes, sir; if they were soldiers.

The CHAIRMAN. No matter what their position in life is?

Doctor DUNN. Yes, sir; I am. I do not favor compensating them, but I am in favor of that, yes. The truth of the matter is that there is a certain degree of prejudice against going into a public institution. And the men who are able to pay for themselves want private care, and that is what is happening in a great many instances to-day, and we have to advise those boys oftentimes that they are getting just as good care in public as in private institutions, and you will find very few that will take advantage of this.

Mr. HUDDLESTON. Doctor, I note that this bill, on page 4, lines 13, 14, 15, and 16, requires that the degree of disability from tuberculosis in its active state must be as much as 10 per cent during the 3-year period—not for the purpose of fixing the amount of compensation, or the rating upon which compensation is paid, but for the purpose of deciding whether the ex-soldier is entitled to compensation at all. I am wondering what justice there is in requiring that the extent of a man's disability shall be more than 10 per cent during that period in order to entitle him to compensation for his disability, whatever the degree may increase to be.

Doctor DUNN. There is something about that that has always caused me a great deal of trouble, and they have explained it to me a number of times. I think we will have to ask somebody from the bureau to explain that. That 10 per cent disability seems to be a minimum sort of something that has to come in for some purpose or other. I can not explain that. That is purely a technical thing that I do not understand.

Mr. HUDDLESTON. That is the rating below which a man is said not to be entitled to any compensation at all.

Doctor DUNN. Yes.

Mr. HUDDLESTON. It would be just as unreasonable to say that a man must while he was in service have had a disability exceeding 10 per cent in order to give him compensation for a disability of 100 per cent that he derived from it and developed very shortly afterwards.

Mr. HOCH. In other words, Mr. Huddleston, this is for the purpose of simply establishing service origin, and after that is established, then the matter of degree of compensability is a subsequent consideration.

Mr. MAPES. Compensation?

Mr. HOCH. Yes.

Mr. MAPES. Yes; that is to determine the amount of compensation, whether it is 10 per cent or what per cent. This is solely for the purpose of determining whether it is of service connection at all.

Mr. HUDDLESTON. Pardon me for asking the question. I did not know but what you had something to do with the choice of this language, and I thought that some one who had something to do with it should make an explanation of it.

Doctor DUNN. No, sir; I did not.

Mr. SWEET. Mr. Huddleston, I may say that this provision was put in by the Senate, and when the conference committee was going over it there was a great deal of discussion about whether this should be in or not. And finally a compromise in the conference committee that language was put in. Now, that is the way it got there.

The CHAIRMAN. Any other questions to ask the Doctor? If not, we are greatly obliged to you, Doctor. Mr. Sparks, how many more witnesses have you?

Mr. SPARKS. That will conclude our case, sir.

The CHAIRMAN. That is as far as the Legion goes?

Mr. SPARKS. Yes, sir.

The CHAIRMAN. Anybody else?

Mr. SPARKS. We had intended, to have Doctor Salmon here, the Legion's expert on nervous and mental cases, but he was detained in New York and could not come down. If we can bring him in later in the week, or later in this hearing, we would like to have an opportunity.

The CHAIRMAN. What would his position be?

Mr. SPARKS. I would state the position of the Legion. We would like to have the testimony on such cases of psychoses and mental cases extended to five years, sir. That seems to be the opinion of the best experts.

The CHAIRMAN. Five years?

Mr. SPARKS. Yes, sir.

Mr. SWEET. Mr. Chairman, I would suggest that we ought to have some medical testimony on that proposition as to why it should be placed at five years.

Mr. SPARKS. I will attempt to have Doctor Salmon here.

Mr. SWEET. And it should come from the bureau or should come from the American Legion, or from some authentic source so that we will have some evidence in here for the placing of it at five years, providing the committee does so.

Mr. SPARKS. Mr. Chairman, I will try to have Doctor Salmon here.

The CHAIRMAN. To-morrow?

Mr. SPARKS. To-morrow.

Because the bureau is not in a position to make recommendations along this line.

The CHAIRMAN. Then, we will adjourn this meeting until 10 o'clock to-morrow, with the understanding that if Doctor Salmon comes he will have the right of way; otherwise we will hear two witnesses, as the Chair understands, from the disabled American veterans of the World War. But we will open with Doctor Salmon if he is here.

Now, is there anybody in the room who appears in an independent capacity in respect of this bill? There appears to be no one.

Mr. SPARKS. Mr. Chairman, may I ask a question, sir?

The CHAIRMAN. Certainly.

Mr. SPARKS. There has been some talk recently about two bills in Congress—I don't know whether they would come before this committee or what committee—creating a medical corps and a neurosis corps for the Veterans' Bureau.

The CHAIRMAN. Well, that is a bureau proposition?

Mr. SPARKS. Yes, sir. I would like to go on record as favoring the creation of those, on the part of the legion.

The CHAIRMAN. Have you seen those bills?

Mr. SPARKS. No, sir.

The CHAIRMAN. Are you willing to indorse them in the abstract?

Mr. SPARKS. I understood that one had been introduced.

The CHAIRMAN. I just wanted to know the basis of your indorsement.

Mr. SPARKS. I have read the proposed bills, and I understood that one or both had been introduced, or were about to be introduced, and if they come before this committee I want to say that the Legion favors them.

The CHAIRMAN. Yes. We understand, then, so far as the evidence is at hand, that to-morrow we will hear Doctor Salmon, if he is here; otherwise, the representatives of the disabled American veterans, and after that go on with the witnesses from the Veterans' Bureau.

We will adjourn now until 10 o'clock to-morrow morning.

(Thereupon, at 12.15 o'clock p. m., an adjournment was taken until the following day, January 31, 1923, at 10 o'clock a. m.)

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE,
HOUSE OF REPRESENTATIVES,
Wednesday, January 31, 1923.

The committee met at 10 o'clock a. m., Hon. Samuel E. Winslow (chairman) presiding.

The CHAIRMAN. We will continue the hearing on the Veterans' Bureau bill, so called. Is Doctor Salmon here?

Mr. SPARKS. Mr. Chairman, I wired Doctor Salmon but I have not heard from him and he is not here, sir.

The CHAIRMAN. Then, we will see what we can do about hearing him when he does come.

Mr. RAEGE, give your name and address and the capacity in which you appear.

STATEMENT OF MR. H. H. RAEGE, REPRESENTING THE DISABLED AMERICAN VETERANS, WASHINGTON, D. C.

The CHAIRMAN. Mr. Raega, will you let me give you a little suggestion to facilitate the hearing and not for any other reason?

Mr. RAEGE. Yes, sir.

The CHAIRMAN. If you are willing, let us assume that you are not opposed or in fact maybe in favor of certain provisions you will mention and that you confine yourself to those things which you do not agree with and to such new suggestions as you see fit to offer, and after that we will assume, unless you mention to the contrary, that the rest of the bill is acceptable to you.

Mr. RAEGE. Yes, Mr. Chairman; and I will be brief.

For the most part, I think we all thought that the problems of the disabled men would have been solved by the passage of Public Law No. 47, an act to establish the United States Veterans' Bureau, but conditions are constantly changing and new problems arising, and it is, therefore, very difficult for the director to carry on.

The bureau has recommended a new description of permanent and total disability. There are many men in hospitals who have been there for a year or more, who may not be discharged for still another year, and they are entitled to some portion of their insurance.

It is a contractual obligation, and if a man is unable to follow substantially a gainful occupation, he should, at the end of one year, at least, be given something on his insurance.

The Director of the United States Veterans' Bureau has asked the committee to include a new section in article 4 providing for the limitation of retroactive payment of insurance for permanent and total disability. If a man is permanently and totally disabled and it takes the United States Veterans' Bureau one year to determine this total and permanent disability, certainly the man should not be penalized for the bureau's laxity or for the time that it took the bureau to establish the fact that he was permanently and totally disabled. Theoretically, the bureau should know when a man becomes totally and permanently disabled. If it takes the bureau one week or one year to determine the claimant's total and permanent disability, that is through no fault of the claimant himself.

We do not believe that any time limit should be applied to permanent and total disability ratings. It should remain as it is now.

The bureau has also recommended an amendment to section 414 of article 4 providing that individual success in overcoming a handicap of a permanent injury to the extent of rendering the insured able to successfully follow continuously any substantially gainful occupation should be deemed termination of total permanent disability.

Elsewhere in the statute it is provided that an individual's success in overcoming a handicap incurred by military service should not be considered in making an award. Evidently the bureau has some cases in mind of men who are disabled according to the statute through the loss of both legs or both eyes, etc., and that are able to carry on and earn, say, \$150 a month. I believe the proposal of the bureau is to amend the statute so that when a man is able to carry on in this way his right to total and permanent disability should be restrained.

Mr. MAYES. What is your recommendation?

Mr. RAEGE. That the statute remain as it is.

We urge with the Director of the United States Veterans' Bureau an amendment to section 300 providing for payment of compensation to persons whose injury was suffered or disease contracted previous to April 6, 1917, but who were not discharged from service until after October 6, 1917. Those men who were in the Army on April 6, 1917, and who continued to serve in the Army after this date are certainly entitled to every benefit provided for in the statute for men whose service began after April 6,

1917. It would seem to me that there can be no logical objection raised upon this point.

The bureau has also urged—
Mr. SWEET (interposing). Just in that connection, according to your statement you would be taking care of the men that were in the Army on April 6, 1917.

Mr. RAEGE. Yes.

Mr. SWEET. In other words, the statute now provides that all those who were in the Army after April 6, 1917, are entitled to the benefits of the act.

Mr. RAEGE. Let me see if I can get it just straight. What I urge is this: That where a man was disabled on April 5 and, of course, continued to serve through April 6, that he should be entitled to compensation; and the bureau also urges this. You understand, he is in the Army on the date war is declared, although he may have been injured on April 4. That is a recommendation of the bureau, and since they are eligible for membership in my organization, I urge that they be given these benefits.

Mr. HUDDLESTON. May I interrupt a moment to suggest this: There were a number of men in the Army on April 6, 1917, who had on various dates prior to that time—some of them as much as six months before that time—incurred disabilities which existed on April 6, although their discharges had not then been finally accomplished. In those cases those men are not now beneficiaries under the act, and your purpose is to cover them in under this bill?

Mr. RAEGE. Yes; the United States Veterans' Bureau has also urged an amendment to section 302 to provide for the establishment of a chaplain corps. I believe that is a necessity. Some authority should be given to the director so that he can make provision for the spiritual guidance of these men in hospitals. Correlated is the proposition which the disabled American veterans are urging upon the director, to wit, the advisability of teaching these disabled men in hospitals how to save a little money. A chaplain could greatly assist the director in carrying out a voluntary thrift or allotment scheme in the hospitals. Under the provisions of Public Law No. 47 the director now has authority to establish an allotment system of compensation, but it can not be done by arbitrary methods. The men will have to be educated. A chaplain could not only give spiritual guidance but could teach these disabled men the benefits and need of saving a little money. I consider that a very great problem before the bureau to-day.

The director has also urged the establishment of a medical corps within the bureau. If I am not mistaken, to-day there are seven different classifications of doctors in the United States Veterans' Bureau, the Regular Army, the Navy—but I think probably they will all be out on the 1st of the month—the Public Health Service, both reserve and regulars, and some doctors serving under civil service status, some under the National Homes for Disabled Volunteers, and some special medical experts. There is a scarcity of physicians in the country, in my belief, and it would seem to be advisable that some provision be made by Congress authorizing the director to establish within his own organization a medical corps.

The CHAIRMAN. Have you been through that proposition so as to know the details of it?

Mr. RAEGE. Mr. Winslow, I have not. It is too big for me, but I believe that the director should, if possible, make some attempt to establish a nucleus of a physicians' corps within the bureau, or without, I do not care which, so long as he has some way to handle this immense medical problem and to urge men or make it worth while for them to come into this medical service.

The CHAIRMAN. In view of the immensity of the problem, according to your testimony, and in further consideration of the fact you have not studied it, would you be content to suggest to the committee that they have in mind some such thing and make an investigation of it rather than to urge that the suggestion be embodied in a bill like this right off the reel.

Mr. RAEGE. Well, the question has been discussed, I think, considerably, and there have been several bills introduced, upon which hearings have been held. Your suggestion would do very well so far as I am concerned. I realize you have only five weeks left, but I want the record to show that we realize the director's problems and his difficulties, and that some effort at some time should be made to help him out, particularly on this medical problem.

The CHAIRMAN. The reason I am asking you that, I will be frank to state, is that you come as a representative of a considerable organization of ex-soldiers and you are wearing an official toga as the representative of such organization, and you come here and suggest for the purpose of this bill the establishment of some such body, and unless some one raised the query as to whether or not sufficient thought has been given by you or anybody else about the establishment of such a corps and the sug-

gestion should go unchallenged, it might look to those who read the hearings and the testimony before the committee that we had been negligent of our real duty.

If, on the other hand, you are prepared to honestly qualify your statement to the extent of saying and agreeing that while you think it is a good thing to look up, you are not prepared to say that you know exactly the plan which you want to indorse. That would then give a little bit of suggestion of wisdom on the part of the committee if they saw fit not to rush it into a bill of this sort.

Mr. RAEGE. Mr. Chairman, I am perfectly willing to qualify it.

The CHAIRMAN. I am not in any way disparaging the merit of your suggestion.

Mr. RAEGE. I understand that.

Mr. JOHNSON. Mr. Chairman, I want to know what the question is. I just came in and I would like to know the question so that I may follow the hearings. What was the suggestion?

Mr. RAEGE. The Director of the Bureau has urged that there be established within his own organization a medical corps. I presumed that the director had made a detailed study of the matter. My statement was designed to assist the director in recurring something which he considered of merit and of importance.

Mr. JOHNSON. You need not go over all of it; I just wanted to get in my mind what you were testifying about.

The CHAIRMAN. Mr. Johnson, as the Chair understands it, this gentleman very properly has an idea—and I say very properly because he is an intelligent man interested in the subject and he met some of the annoyances of the present medical arrangement within the bureau—and has suggested it would be well to have the bureau establish its own medical corps, and he rather suggests, I think without perhaps giving it enough thought, that that be done in connection with this bill and the query was whether he wanted to really leave his testimony in such form and have it go out to the public that it ought to be hitched onto this bill necessarily and the Chair suggested to him that perhaps after all his real purpose was to call attention to the fact that that subject ought to be investigated and looked up, rather than to insist that it be hitched right onto this bill now.

Mr. RAEGE. I am perfectly willing to stand on Mr. Winslow's statement. Of course, I had presumed that since the Veterans' Bureau had written to the committee that it must have detailed its plans.

The CHAIRMAN. I do not think we have any record here in the committee of any such communication, and I would like to take this opportunity to say to you and anybody else who reads the hearings that the greatest drawback our committee has had in approaching the consideration of Veterans' Bureau legislation has been due to the spasmodic character of the efforts of those who want to get new legislation, and we have felt sometimes, without any unhappy comment on anybody, that the enthusiasm of those who have been after new legislation has rather run away with them and that in many instances that while they have had a good idea per se, they have not always gone through with it to see where it was going to end, and how it was going to affect existing conditions or conditions which may properly be expected to arise hereafter, and while this committee is condemned on many occasions for being dead slow, it would be easy enough to point out to any one interested, that that slowness has been the salvation of the legislation and the whole undertaking of the Veterans' Bureau. When you get such a great establishment under way as the bureau now is, it takes a good deal of a man to inject a new idea instantaneously and say that it fits in with everything and must be adopted right now.

It remains for us to do the investigating; to fit these various suggestions into what exist already, and because we take time to do it, when those who propose bills do not take the time, we get the damning and they get the credit; but we do not like for the credit, we are looking for results, and I think it perfectly fair that all should understand the situation.

Mr. RAEGE. Mr. Chairman, I am heartily in accord with you. I realize we do not always do things just as we should.

The CHAIRMAN. We have had a meeting of gentlemen very intensely interested in the Veterans' Bureau and the well-being of the veterans within a few days, and on a showdown it was very apparent that these gentlemen did not know exactly what they had been proposing. It may be interesting for you to know, and for the public to know, that there are some 10 different committees of the House of Representatives involved in the legislation now proposed for the benefit of the veterans. Mr. Sparks yesterday made a reference to a certain definite number of bills before Congress. That may be true, but only about half that number are before this committee. There have been four or five assigned here which ought not to be here.

There have been four or five in which they are covered by existing law and need not be considered at all, and so on. Now, the committee has to separate those out

and it has to go all the way through with them. I am emphasizing this for the good of the committee in the future, and also to enlighten, perhaps, those of you who are properly interested in the well-being of the soldier, but I think many times that if you—and I speak of you merely as representative—if those who are really interested and working for the soldier's benefit, would come up here and let us review with you the situation as it is, it would not only reduce the number of bills that are filed here, but would reduce a lot of hard feeling and maybe heartaches, and I am going to submit that to you all for consideration through the medium of this hearing and this record.

Mr. RAEGE. Thank you, Mr. Chairman. I am sure all veterans' organizations will heartily concur in the thought you have expressed. I realize that perhaps we do things too hastily, and it is my hope that all of us will be able to get together in the near future and work in closer harmony and in a better spirit with Congress.

The CHAIRMAN. No better spirit, but closer.

Mr. RAEGE. On compensation I desire to make just a few remarks. Under the present law the widow or the orphan of a man who died in the service who carried no insurance only receives \$25 a month. That is a rather small compensation, and if it would be considered practicable I would suggest that in the bill that is going to be prepared by this committee you give the widow a little increase of compensation, particularly the widow whose husband carried no insurance.

Mr. HUDDLESTON. On that point I would like to ask you a question. Do you think the fact that a soldier, out of his providence has protected his dependents by insurance ought to in any way take away from the compensation which they would otherwise be entitled to? In other words, are the dependents of thrifty and prudent men to be penalized for their thrift? It occurs to me that it is none of the bureau's business whether a man has taken insurance or not when it comes to granting compensation to his dependents. It was the former practice of the bureau to consider, in determining whether a claimant was a dependent, whether the soldier had taken insurance for such persons' benefit, and I protested strenuously against that practice, and the bureau subsequently found it desirable to change it, probably not at my instance particularly, because I imagine that many others did the same thing. I thought that was very proper. It occurs to me that if the widow is entitled to \$25 a month as compensation she is entitled to it whether her husband had insurance or not.

Mr. RAEGE. Of course, there are two propositions and there are arguments on both sides. I think under the present law if a Civil War veteran dies the widow gets more than \$25, and my suggestion would serve rather to equalize the payment to the widows.

Mr. HUDDLESTON. And you have in mind also that the widow of a Spanish War veteran only gets \$20, I suppose.

Mr. RAEGE. Yes.

Mr. HUDDLESTON. And, of course, there is no basis for discrimination among the dependents of veterans of any wars.

Mr. RAEGE. Under the present law, so far as compensation is concerned, claimants if declared totally and permanently disabled receive less money, if no insurance is allowable, than they do under a temporary total rating. Under a permanent total award, of course, no family allowance is provided. Under a temporary total award family allowance is provided. It does not seem quite equitable to give less money for a total and permanent disability than for a temporary total disability. I should like to urge, if it is agreeable to the committee, that family allowances be extended to permanent and total cases, particularly those cases adjudicated where no insurance is in force and payable when a permanent total award is made.

Mr. JOHNSON. Mr. Chairman, I would like to hear some reasons for that last suggestion.

Mr. RAEGE. Under the present law if a man is declared temporarily totally disabled he receives a family allowance. If he becomes totally and permanently disabled, he receives in some instances less money, but only in cases where no insurance is in force. This would simply be to equalize the family allowance both for total temporary awards and permanent and total awards.

Mr. JOHNSON. That is your reason for making the suggestion, is it?

Mr. RAEGE. Yes, sir.

Mr. JOHNSON. Have you any other reasons to advance?

Mr. RAEGE. It would seem to me that that one reason is unanswerable. If a man is permanently and totally disabled, he certainly is more handicapped than if he is totally and temporarily disabled, and I assure you that when he does get a total and permanent award he is really entitled to it. During the period of temporary total disability he may be able to earn a little money, but if the bureau should declare him permanently and totally disabled, he gets less money.

Again I assure you when he gets a permanent and total award, he can not earn anything.

Mr. JOHNSON. How long would you want this award to continue?

Mr. RAEGE. It should continue as long as he is permanently and totally disabled. Mr. JOHNSON. If he lives 40 years?

Mr. RAEGE. Certainly the statute now provides for certain forms of total and permanent disability.

Mr. JOHNSON. Under the law his wife and each child is provided for. You would want that to continue, too, would you not?

Mr. RAEGE. Yes.

Mr. JOHNSON. After his child reaches his majority of 21 years, he should not have that, or if he reached an earning age of 15 or 16 years, where he could go out and work and help to support the family, you would not be in favor of his receiving it then?

Mr. RAEGE. Perhaps, the family allowance should not be made on account of persons who have reached the legal age. That would be perfectly agreeable to me.

Mr. JOHNSON. I mention that now for this reason: In my State there are more negroes than white people, but, of course, that will not be the case soon because most of them are going away and I hope they will continue to go, but there are a great many of them who are drawing this compensation from the Veterans' Bureau and they will not do a thing in the world but watch for the mail box out on rural routes. They do not even plant a garden now since they are getting this money from the Veterans' Bureau. If they have more than one cow they milk just enough to get milk to put in their coffee. They are not worth anything, and it is absolutely ruining those people. There ought to be some discretion given to the director, so that when he investigates it he can cut them off or keep them on. I do not believe in making the law mandatory on the director to dig out this money just like the people did not have to pay for it, and we ought not to open the flood gates here so that the money can be extravagantly expended on people who are not really entitled to it. Do you agree with me on that?

Mr. RAEGE. Yes, sir.

Mr. JOHNSON. I believe we ought to legislate so we will put a premium on initiative and individual effort and help the soldier to help himself and help his family and not discourage such initiative.

Mr. RAEGE. I am going to be brief on the main topic, as I understand that it has been urged by everybody who has been before the committee. We urge that tuberculosis and neuropsychiatric disabilities if developed within a period of three years after the date of discharge be considered due to military service. It is, of course, very difficult to diagnose these diseases. I never saw two doctors who would agree on a diagnosis. A man suffering with a neuropsychiatric disability really does not know how to prosecute his claim, except in some instances where he does not do anything else but that; and it would, I think, also relieve the bureau of criticism which is now leveled at it because of the difficulty in adjudicating these cases which fall within this category and are so technically involved.

Mr. HOCH. Do you think this bill as drawn limits it to three years in the case of nervous diseases? Have you studied the text of the bill that we have before us?

Mr. RAEGE. I was stating it as a proposition which we believed in; not only for the sake of the man, but for the sake of the Government.

Mr. HOCH. I do not think it does in the form it is now. I will say frankly I think in the case of nervous diseases in the form the bill is now it leaves it indefinite. You have no intention of doing that, and you simply want it to be limited to three years in the neuropsychiatric cases the same as the tuberculosis cases.

Mr. RAEGE. Yes; by all means; in fact, in the neuropsychiatric cases more than the T. B. cases, because I believe they have greater difficulties. There is not a day passes but what one or two come into my office suffering from obsessions, hallucinations, and everything under the sun, and while you may get angry with them you can not help but feel, "My God, there ought to be some way to take care of them."

I want to say here that I do not believe the Veterans' Bureau has got at the problem of rehabilitating these men. From the best medical evidence I have been able to get. The bureau is making some effort toward this end, but it would appear to me that greater efforts should be made.

Under some of the appropriation acts, a limitation has been put upon the amount of money to be spent to secure reinstatement of insurance. For the record, I just want to state that I believe the insurance opportunity extended to these men is the greatest monetary gift they will ever get out of the Government. I hope that Congress allow the bureau or give the bureau some authority to start a campaign for reinstatement, and if need be, send men out and sell this insurance, because it is their biggest opportunity. Insurance will forestall old-age pensions and do more to actually help a man and his dependents than all the pensions that he will get for the next 20 or 30 years.

There is a certain class of trainees that I want to mention. They are men who are taking or who have completed theoretical agricultural courses. They find themselves somewhat at a loss to follow this vocation. Mr. Knutson, of Minnesota, has introduced a bill to provide a revolving fund for loans to these men. We urge your favorable consideration of this legislation.

The CHAIRMAN. Let me interrupt you there to say that that bill is improperly referred to this committee, and ought to go to Banking and Currency, and is not under our jurisdiction at all.

Mr. RAEGE. It could not under any circumstances be considered as properly referred to this committee, then?

The CHAIRMAN. It might be considered, but it would not be accepted.

Mr. RAEGE. All right, sir.

There is legislation pending before this committee providing that Spanish-American War veterans shall be entitled to the same benefits that veterans of the late war are entitled to under the War Risk Insurance act. Under an act providing \$17,000,000 for hospital construction, an amendment was carried providing that they be entitled to hospitalization.

I want to say that this illustrates the necessity of some committee of Congress to go into all these veterans' bills of all kinds. All these groups want some kind of legislation. We on the outside, through veterans' organizations have been trying to get together. Perhaps if we ever get together on some of these mutual problems, we can ask then for a committee of Congress to study all our troubles and devise some way to meet the situation, so that hereafter we will not be hitting at cross purposes.

That is all I have to submit.

Mr. SWEET. Would you suggest that the pension department be placed in the Veterans' Bureau?

Mr. RAEGE. I could not say that.

Mr. SWEET. That was originally contemplated at the time of the passage of the Veterans' Bureau Act, and the law is so drawn that by just simply adding the words, "pensions" or "pension department," it would be included in the Veterans' Bureau. That would put all matters of the soldier organizations clearly within the bureau. Then that might lead to the establishment of a committee that would have charge of all soldier relief legislation as far as may be, and do away with a number of committees in the House at the present time.

Mr. RAEGE. I have only this thought, Mr. Sweet: Would there be any likelihood of the War Risk Insurance Act being repealed and put on a straight pension basis? If the pension bureau should be transferred to the United States Veterans' Bureau, that would be my only fear. So far as I am concerned, you could transfer the pensions bureau to the Veterans' Bureau. We would not want to see the old pension system back again, and, in fact, I do not believe you gentlemen want to see it back.

Mr. HUDDLESTON. It is already back, Mr. Raege. If a soldier in the service is disabled now he receives a pension. He is not under the war risk act.

Mr. RAEGE. He receives compensation if disabilities occurred between April 6, 1917, and November 11, 1918. It at least has a different name.

Mr. HUDDLESTON. No; he receives it under the name of pension.

Mr. RAEGE. How do you mean?

Mr. HUDDLESTON. By a law passed through this committee we provided that soldiers who enlisted after a certain date should not be entitled to the benefits of the war risk act. Thereupon Congress passed a law restoring all such soldiers to the old pension system.

Mr. RAEGE. Yes; I know that.

Mr. HUDDLESTON. And as I state, a soldier of the Army or Navy or Marine Corps who is now disabled must apply for a pension.

Mr. RAEGE. Yes; that is true to-day.

Mr. HUDDLESTON. And there is no such things as "compensation" for him.

Mr. RAEGE. I understand that.

The CHAIRMAN. Have you another witness, Mr. Raege?

Mr. RAEGE. No; I have not, Mr. Chairman.

I thank the committee very much for the opportunity to have been heard.

Mr. SPARKS. Is Doctor Salmon in the room? Mr. Chairman, I was just looking for Doctor Salmon. Unfortunately, I have never met him.

The CHAIRMAN. He is not here. I know him.

Mr. SPARKS. I wired him and used every effort to get him here.

The CHAIRMAN. We will try to arrange to hear him later if he comes.

Mr. SPARKS. I shall make further efforts during the week to get him here sometime next week.

The CHAIRMAN. You had better try to arrange to get him here one day within the week, because we are not going to handle this matter with postponements of a week at a time.

Mr. SPARKS. Yes. May I be permitted to make a suggestion as to one provision that should be in the bill?

The CHAIRMAN. Yes.

Mr. SPARKS. I am having it typed now. It is to provide for the treatment of any man suffering from tuberculosis and in a Veterans' Bureau hospital.

The CHAIRMAN. You can hand that in later.

Mr. SPARKS. Yes.

The CHAIRMAN. Mr. Bettelheim—

Mr. THOMAS. May it please you, Mr. Winslow, I have a matter I have been asked to present that will only take about three minutes and Mr. Bettelheim is willing to waive in my favor if it suits the committee.

The CHAIRMAN. Under that agreement, will you please proceed.

STATEMENT OF MR. W. BISSELL THOMAS, ATTORNEY AT LAW, 727 MUNSEY BUILDING, WASHINGTON, D. C.

Mr. THOMAS. I have been asked by a number of organizations to present a proposed amendment—the last time by the legislative committee of the American Legion—to present a proposed amendment to the bill which is rather technical and will only take me a moment to present.

It was presented to the committee in the hearings on House bill No. 3 some year or so ago. The situation is this: By reason of the provisions of the railroad control act, the provisions of the war risk insurance act, and the provisions of the transportation act, a technical situation has arisen which precludes a soldier injured on a railroad during the Federal control of railroads from suing for any injuries that he may have received in an accident.

The one instance which I cited to the committee before, to give a short practical illustration, is this: A soldier and his brother were traveling on the New York Central Railroad. They were both badly injured, the brother much less than the soldier. The railroad settled with the brother for a number of thousands of dollars. The soldier was precluded from getting anything at all solely because he was a soldier. The control act provided that railroads could be sued during Government control just as though they were not in Government control. The war risk act provided that where a soldier was injured under circumstances creating a legal liability on some agency other than the Government then he could apply for compensation and get it, but he must assign his cause of action to the War Risk Bureau and, if judgment was recovered, then he had the option of either taking the judgment and returning to the Government the advanced compensation which had been paid him or of taking compensation and giving the Government the judgment.

The committee will readily understand that the right to recover for personal injuries is, in many instances, very much more valuable, as a matter of money, than the compensation paid by the Veterans' Bureau. In the case of a death and the man leaving a minor child, that minor child would only get \$20 a month until reaching the age of 18 years, and that might be only two or three hundred dollars, where the recovery for death might well be \$20,000. Now, without going into all these technicalities—I understand you gentlemen are all lawyers—the Supreme Court of the United States, in the case of *Hines v. Dahn*, has decided that where compensation is accepted the right of action against a railroad during Federal control of the railroads is ipso facto lost.

Mr. JOHNSON. Give us the book and page, please. I am interested in that case.

Mr. THOMAS. I presented this matter on May 2-4, 1921, in the hearings on House bill No. 3, part 2.

Mr. JOHNSON. Yes; but the citation to the case you refer to.

Mr. THOMAS. I beg your pardon. I thought you wanted the other citation.

Mr. JOHNSON. No. I think this committee will correct that.

Mr. THOMAS. The *Dahn* case was reported in 257 Federal, page 105, and has since been decided by the United States Supreme Court. I have not the volume and page of the Supreme Court decision. It is very recent.

Now, there is one more situation. By reason of the chronic condition that existed just after the war, thousands of cases of injuries were barred by the statute of limitation. The men did not know their rights. A soldier from Maine was in camp at Atlanta, Ga., and was injured there, perhaps, and got his discharge on a surgeon's certificate and went back to Maine and simply applied to the Bureau of War Risk Insurance for compensation, and knew nothing about his right of action. In many of the western States the statute of limitations bars suits for personal injuries within one year, and in many of these instances, running into millions of dollars so far as the soldiers were concerned,

the suits were already barred before the Bureau of War Risk Insurance got hold of them, and I may state that in many other instances the Bureau of War Risk Insurance, being a legal division and being largely composed of law clerks, brought the suits in courts that did not have jurisdiction and the statute of limitations ran before they found that out.

The CHAIRMAN. Did you say you represented the legislative committee of the American Legion?

Mr. THOMAS. I was asked by them. I do not know that it was the committee. Mr. Raeger and Mr. Taylor—and I spoke to you, Mr. Winslow, about this matter last fall.

The CHAIRMAN. Yes; I am familiar with the matter but I did not quite hear the representation.

Mr. THOMAS. Yes, sir. I am not a member of that committee at all; in fact, I have nothing to do with them except that having presented this before I was asked by them to present it again.

The CHAIRMAN. Are you doing it for them officially or do they just have no objection to it?

Mr. THOMAS. I do not know that we spoke about whether it was official or whether it was not.

Mr. SPARKS. Mr. Chairman, we have no objection to the gentlemen—

Mr. THOMAS. They asked me to do it.

Mr. JOHNSON. Mr. Chairman, the American people have something to say about this. It is not only the American Legion that is here, as I understand it. What this gentleman here is asking affects every woman and child—

Mr. THOMAS. I may say that I served two years in France with the boys.

Mr. JOHNSON. Let me say this in connection with your case. We have a case exactly like that on the Southern Railroad, and the parents of the boy and his brothers and sisters are all poor people, and they are barred by the statute of limitations now to bring a suit. A great injustice has been done a great many people all over the country, and I am in sympathy with the American Legion in their efforts here, but I think any man that has any information that would be helpful he ought to bring it here and let us work out a good bill.

Mr. THOMAS. It is perhaps proper to say—

The CHAIRMAN. The Chair wants to make himself square now. The gentleman reported himself qualified as a representative of the American Legion's legislative committee as the notes will show, and the Chair, in order to make sure of that, asked the question.

Mr. THOMAS. No, sir; I did not intend to be so understood. It was at the request of some of the gentlemen. I have nothing to do with the committee. I may state in order that there may be no doubt about the matter at all, that my understanding is that when I presented this matter before it was opposed by the legion, but they have since seen the light on it.

Not to take up any more of the committee's time, the amendment which I submitted at the former hearing I think entirely covers the whole situation and I will read it:

"No action at law brought pursuant to the provisions of this section."

That is, section 313 of the war risk insurance act, which provides for the assignment of causes of action to the Government—

"shall be barred by any statute of limitations, State or Federal; and actions at law for injuries or death inflicted upon any person who or whose dependents might be entitled to compensation under this act, by any carrier, during the period of Federal control of the carrier, may be brought in like manner as other actions, and it shall be no defense thereto that compensation is payable on account of injuries or death by the Bureau of War Risk Insurance or that the United States is liable therefor."

I think that covers the whole situation. If that amendment should be adopted, I am free to state that no court would hold that the statute of limitations applied and barred the action, and no court would hold that a railroad during Federal control by the Government was not liable in damages for injuries inflicted on a soldier during that period of control.

Mr. SWEET. Just let me ask you this question: How many cases of this kind are there?

Mr. THOMAS. Mr. Sweet, I used to be an associate counsel in the bureau and that is how I familiarized myself with this situation.

Mr. SWEET. That is the reason I asked the question.

Mr. THOMAS (continuing). In this very branch of the law work down there.

Mr. SWEET. That is the reason I asked you the question.

Mr. THOMAS. My recollection is—and I am speaking now from recollection of several years ago—the total amount being sued for and which would have been sued for was somewhere around five or six million dollars. I do not mean that that was the amount that would have been recovered.

Mr. SWEET. What is the number of claimants, would you say?

Mr. THOMAS. Oh, there were hundreds and hundreds.

Mr. SWEET. Do you represent any of those claimants?

Mr. THOMAS. Not a single one. I have nothing whatever to do with that.

Mr. SWEET. And in presenting this matter you are presenting it largely from information that you received when you were connected with the bureau as an associate counsel?

Mr. THOMAS. Exactly. I am presenting this in order that the difficulties and stumblingblocks which I was up against in trying to recover while I was in the bureau for these men may be wiped out and recovery may be had for them. I may state that I am of the legal opinion that the statute of limitation does not run any way. This is a Government matter and the statute does not run against the Government. The law clerks in the legal division of the War Risk Bureau were too timid to fight that out in the courts, and they would not let me bring a suit to see whether it was or not. If this amendment is adopted, then there can be no question about it and I think even the legal division of the bureau will have sufficient courage to try it out.

STATEMENT OF CAPT. EDWIN S. BETTELHEIM, JR., CHAIRMAN NATIONAL LEGISLATIVE COMMITTEE, VETERANS OF FOREIGN WARS OF THE UNITED STATES, METROPOLITAN BANK BUILDING, WASHINGTON, D. C.

The CHAIRMAN. Give your name, address, and the capacity in which you appear.

Mr. BETTELHEIM. My name is Edwin S. Bettelheim, jr., and I am chairman of the national legislative committee of the Veterans of Foreign Wars of the United States.

Mr. Chairman, the veterans of foreign wars are not coming before you with any multiplicity of witnesses or any endeavor to lengthen the hearings. We are interested primarily in getting this bill passed at this session of Congress, and it is going to be some job, because time is running against you.

Mr. MAPES. Before you start in upon your main subject, how many members are there in your organization?

Mr. BETTELHEIM. One hundred and fifty thousand.

Mr. MAPES. Are they composed largely of veterans of the World War?

Mr. BETTELHEIM. Ninety-one per cent.

Mr. HUDDLESTON. Let me ask what veterans of other wars are admitted to membership in your organization?

Mr. BETTELHEIM. The membership of the Veterans of Foreign Wars is composed only of men who served overseas. One has to have served overseas, and naturally those men are the men among whom the casualties are largest. Those who saw service in this country are not included in our membership.

Before I go on, I would like to make one statement, and that is in reference to the work of this committee. Probably the complexion of this committee will change within the next few months, but the Veterans of Foreign Wars desire me to express to this committee their appreciation for the work and interest that this committee has taken in behalf of veteran legislation. There is a movement, of course, on foot to put veteran legislation under a separate committee, but we do not think that should come to pass without appreciating the work that has been done by this committee. We appreciate that your committee had the veteran legislation thrust upon them and we believe you always have done admirable work.

At our last national encampment in Seattle this summer, the legislative committee was instructed to use its best efforts to bring about the early passage of the so-called Sweet bill, which was under a different number at that time. At a recent meeting of the national council of administration in Cincinnati on December 17 to 19, at which time our national officers and State department commanders were in meeting, they passed resolutions asking that this piece of legislation be given preference over all other legislation pending, and even to the extent of veteran legislation, and I received a telegram which reads as follows:

CINCINNATI, OHIO, December 19, 1922.

Capt. EDWIN S. BETTELHEIM, JR.,
Chairman National Legislative Committee,
Veterans of Foreign Wars, Washington, D. C.

Council of administration requests you to use every effort to have President Harding and Congress give preference to the Sweet bill over all other measures including other veteran legislation at this session of Congress in order that disabled ex-service men may be given maximum relief at earliest date.

R. W. ETRON,
Adjutant General, Veterans of Foreign Wars.

I acquainted Mr. Winslow, chairman of this committee, with that telegram, and about two days later I received a reply saying that efforts were being made for an early hearing, and I spoke to members of the committee. It is very pleasing to note that within 24 working-days, excluding holidays, the committee was able to round out its procedure to carry on these hearings.

The bill in the main, as it is before you, is acceptable to the Veterans of Foreign Wars, with the exception of a few minor instances, which I will mention.

The first is with reference to the presumption as to tuberculosis. We believe that the time should be extended to five years. You heard the testimony of Doctor Dunn yesterday, which was very enlightening, but he himself admitted that four or five years was not too long a time; in fact, he admitted that eight years was not considered too long a time.

Mr. MAPES. Are you quoting him accurately?

Mr. BETTELHEIM. I believe I am.

Mr. MAPES. He said that in exceptional cases a man might have tuberculosis which would not be known until five or six or seven or eight years, but I do not think that he said this bill ought to be changed to cover those exceptional cases, did he?

Mr. BETTELHEIM. He did not give testimony as to what the bill should be changed to, as I recall it. He went on to say that from two years and six months on to about eight years they could attribute it to service. And he admitted that every one has tuberculosis. He said, when pressed further by the chairman or by Judge Sweet, that eight years was not an extreme case.

Mr. MAPES. I got the impression from his testimony that while there might be known to the profession exceptional cases which ran along for a number of years that to put a provision in the law that would cover those cases would include so many men who had tuberculosis that was not caused in any way by their service in the war, that he did not recommend it.

Mr. BETTELHEIM. No one knows to-day the effect of the war, I do not care how great a medical man he is. When the legislation first came up in reference to tuberculosis, one of the biggest men in the country, Doctor Patterson, appeared before the committee and under his advice the law was extended to one year and later to two years.

Mr. MAPES. You may be right in your conclusion, but I did not understand Doctor Dunn to recommend it in his testimony yesterday.

Mr. BETTELHEIM. I am not a medical man. I only know the experiences of the men who were overseas, and a good many of them are men who were gassed. That, the gassing, comes back on the man; and at first he is considered to have bronchitis and then later on it is shown that he has tuberculosis. We believe and urge that this time be extended to five years, and that will save continuous changing.

As to the burial expenses, the gentleman, Mr. Sparks of the Legion, who testified yesterday was mistaken as to the law. The original law did not provide for that except such law as is included in appropriation bills from time to time, and in order that there may be no slip and in order that there may be a definite law on the subject, it is recommended by the Veterans of Foreign Wars that where a man dies, under the circumstances mentioned in that section of the bill, that his beneficiaries should be allowed \$200 in addition to transportation from the place of death to his home. I say in addition to transportation. It does not read that way now, but we urge that wording because men may have been sent to Tucson, Ariz., or down to Whipple Barracks from this territory, and if he died and you put it at a flat rate of \$200, his amount of the appropriation would be eaten up in transportation. So to equalize it for all we urge that it read, "in addition to transportation."

Mr. JOHNSON. Let me ask you a question. I live on the Gulf, a little more than 1,000 miles from here. If a man down there whose standing in the community is such that he usually lives on about a dollar a day or a dollar and a half a day as a laborer on a farm, and lives in a cabin, and has been reared in that way, and contracts tuberculosis and is sent West, say, to Colorado, or Arizona, and dies and his body is shipped back, you want to give his beneficiaries his transportation charges and burial expenses amounting to \$200.

Mr. BETTELHEIM. No; you have me wrong. The burial expenses are not to be any more than the actual cost and not to exceed \$200. That will take care of the conditions wherever it may be. Probably, in your part of the country, the burial expense is small, but I have here a bill from New York of \$276.05. I simply want to bury the man properly?

Mr. JOHNSON. Let me finish my question. You want to pay \$200 to the man whose earning capacity is very small and whose needs, I will put it, are very small in this life, and whose family lives on a very small income. You want to pay him \$200 and you put that at the lowest?

Mr. BETTELHEIM. No; we do not want to pay him \$200.

Mr. JOHNSON. I mean pay his family.

Mr. BETTELHEIM. No; we want to bury him at an expense not to exceed \$200.

Mr. JOHNSON. His family is going to pay the expense and then they can collect \$200 from the Government.

Mr. BETTELHEIM. No; the Government pays the bill, but "not to exceed \$200," in addition to transportation.

Mr. JOHNSON. If he happens to be the son of a millionaire or a very wealthy man, and there are a number of such people in my country whose sons have tuberculosis, you want to pay him just the same, \$200, for burial expenses, do you?

Mr. BETTELHEIM. Not to exceed \$200; yes, sir.

Mr. JOHNSON. You want him to get the \$200 whether the family needs it or not. We have some people who would resent that.

Mr. BETTELHEIM. The very law that inducted men into the service made no distinction between rank or position in life.

Mr. JOHNSON. I know who made the law. We made the law here and we are just as subject to error as anybody else, and I sometimes think more so because we have undue influence exerted upon us so that a good many times that causes us to do things we would not otherwise do. Do you think that a millionaire's son or a wealthy man's son who does not need this money should draw the same amount of money from the Government as a very poor person who really does need it, and let me add to that question—

Mr. BETTELHEIM. This is a democratic Government.

Mr. JOHNSON. No; you are wrong about its being a democratic Government. I will show you in a moment that it is not a democratic Government. It is a Republican Government run by about a half dozen business men who live in New York and not by Congress.

Mr. BETTELHEIM. Of course, I am not here to argue that point.

Mr. JOHNSON. Let me go back to the other point. You think, then, that the Veterans' Bureau ought not to have discretion as to whom this money should be paid to?

Mr. BETTELHEIM. I would like to ask you a question.

Mr. JOHNSON. No; I am not on the witness stand, and you are.

Mr. BETTELHEIM. Well, I will answer the question in this way: If you were the director, you would have a wonderful job on your hands if you tried to investigate whether a man's family was entitled to the money, and you would spend three times the \$200 in your investigations.

Mr. JOHNSON. Is that your answer?

Mr. BETTELHEIM. Yes, sir; that is my answer to that proposition.

Mr. JOHNSON. I do not care to ask you anything more.

Mr. HUDDLESTON. Do you not think that instead of its being an elastic amount as you propose, or as is proposed by this bill, that there should be a fixed, reasonable amount, at enough to bury a man decently, given as a matter of right to all and actually spent for burial? Is not that fairer than to allow the family to go ahead and have any kind of funeral they want to and then present a bill for \$200 for it? Of course, I have answered my own question, and I want to say further that if the Government buries him, it buries him because he was a former soldier of the United States, and there should be no distinction in class, station, or color—

Mr. BETTELHEIM. I think you are right, sir.

Mr. HUDDLESTON (continuing). Or service or any other consideration whatsoever, except that one fact that he was a soldier. It is upon that basis that we should do this, if we should do it at all, and I feel like it ought to be a matter of right and a level sum for everybody. Of course, it is a question whether we should do it at all. The fundamental difficulty that I find in this section is the fact that veterans of other than the World War do not get this benefit. I am wondering how you can justify it for the soldiers of the World War only, who represent merely a part of your membership. In other words, 91 per cent of your membership would get this benefit and the other 9 per cent would not get this benefit at all.

Mr. BETTELHEIM. Yes; I am expecting to touch on that in a moment.

Mr. HUDDLESTON. I would like to hear you touch on it.

Mr. BETTELHEIM. From evidence which I have in my office and from evidence which I am sure the bureau's files contain, it will be shown that the average amount of the bills for burial expenses that we are endeavoring to get through the medical accounts section—I say endeavoring, because it is not the fault of the bureau but is the fault of the men not sending in certified bills and death certificates, etc., and we have to collect all those things and help them to get them through—the average amount paid is \$153, so far as our records show. I do not know what the records of the bureau show, but so far as the records that have been handled through the service bureau of the Veterans of Foreign Wars show the average amount is \$153. Now, it

may be in some sections of the country a man may obtain a burial at a reasonable amount. In this country it may be one sum and in the cities it may be another sum. I have here a bill which I have just taken up yesterday amounting to \$276.

Mr. HUDDLESTON. Pardon me for interrupting you, but I was just going to call your attention to the point I wanted you to discuss.

Mr. BETTELHEIM. As to whether it should be a fixed sum?

Mr. HUDDLESTON. No; whether we should accord a burial benefit to the soldiers of the World War which we do not accord to the soldiers of other wars?

Mr. BETTELHEIM. I think we should accord a burial for all soldiers of all wars.

Mr. HOCH. You mean where—

Mr. BETTELHEIM (interposing). Where they come within the provision.

Mr. HOCH. Where they die as a result of injury or disease incurred in the service?

Mr. BETTELHEIM. Oh, yes; with that proviso.

In that connection a provision was mentioned in the hearings yesterday concerning the Spanish War men who are in the hospitals. That provision is contained in Public Law 194, Sixty-seventh Congress, which was passed on April 20, 1922, and the fourth section provides "that all hospital facilities under the control and jurisdiction of the United States Veterans' Bureau shall be available for veterans of the Spanish-American War, the Philippine insurrection, and the Boxer rebellion suffering from neuropsychiatric and tubercular ailments and diseases."

Now, we would like to submit a further amendment to the present bill, to read: "that the director shall be and is hereby authorized to provide the necessary transportation of patients mentioned in this section (section 4) to and from the United States Veterans' Bureau hospitals and for the necessary transportation for transfer of these patients from one hospital to another at the direction of the Director of the United States Veterans' Bureau, and that the Director of the United States Veterans' Bureau shall be authorized and is hereby authorized to incur the necessary expenses, not to exceed \$200 in each case, including transportation for the disposition and burial of the remains of patients mentioned in this section who died in the United States Veterans' Bureau hospitals."

I think, Mr. Huddleston, that covers your suggestion.

The CHAIRMAN. Have you gone through that to get an estimate of what that might cost the Government, for transportation, based on a year's experience or anything of that sort.

Mr. BETTELHEIM. No, sir; I did not look into the cost of that proposition for the simple reason that we did not count the cost. We believe that if Congress in its wisdom has decided that these men shall be hospitalized, we believe that, if the director considers that a man can not be hospitalized in one hospital or can not be given the required treatment and that he should go to another hospital, such a man should not have to pay his own transportation from one hospital to another at the present time even though he may be transferred by the Director of the United States Veterans' Bureau, or should he die there, there is no way for the Government to transport him or pay for bringing his remains back. We had one very dear lady come in to see us a short time ago. Her father had died in Johnson City, Tenn. There was no way to provide transportation for his remains back here to Washington. Now, if he had died in Washington and was an indigent soldier, as he was, he would be buried by the Government. There is a law for that.

Mr. SWEET. He was not in a hospital?

Mr. BETTELHEIM. Oh, yes; he was in the Johnson City, Tenn., hospital, but he was a Spanish-War veteran. Therefore, we would ask that you include in this bill a provision for transporting these men back and forth at the direction of the Director of the Bureau. They have to be found eligible to be admitted, and if so found, transportation, we believe, should be provided for them.

The CHAIRMAN. You said you had not gone through with an estimate of the cost, and in fact had not considered the cost and did not think it ought to be much a matter of concern so long as it was for the benefit of the soldiers or those connected with them; is that right?

Mr. BETTELHEIM. Yes, sir; that is right.

The CHAIRMAN. Do you think the American people would place great confidence in this committee if we should go on and legislate for anything which, sentimentally or otherwise, would seem to be for the benefit of the soldiers or those connected with them, with never a thought of the cost?

Mr. BETTELHEIM. No, sir; I believe that is your job.

The CHAIRMAN. If it is our job, is it not your job also in making recommendations to the committee.

Mr. BETTELHEIM. But, Mr. Chairman, you have put the man in the hospital.

The CHAIRMAN. We will accept all the conditions, and then you come up and say to us, "Put this in the bill," and we ask you how much it is going to cost, and you say "Never mind the cost; it is for the soldier, check it in." Now, I ask you as a result of that, if we check it in and it comes to be known that the policy of the committee is to legislate any old thing they like, regardless of cost and without any estimate of the cost, do you think the American public would have any confidence in this committee?

Mr. BETTELHEIM. Well, I do not care to stand up as a judge of the committee, Mr. Chairman. As I opened my preface, this committee has looked carefully into all propositions. We submit the propositions. We believe that transportation should be provided for these men, provided the Government has placed them in the hospitals.

The CHAIRMAN. Regardless of cost?

Mr. BETTELHEIM. Yes, sir.

The CHAIRMAN. And the matter of cost is not of enough account to even stop and worry about.

Mr. BETTELHEIM. Well, when they took the man they did not stop to worry.

The CHAIRMAN. Of course you must realize that while we owe a lot to the soldiers, without doubt, yet there are some things that are due to other living fellow citizens. Now, is it not the part of a man who comes here as a witness urging legislation before the committee to think over these fundamental and essential things which he himself and the public want the committee to think over before they arrive at conclusions?

Mr. BETTELHEIM. Yes, sir; and our position is that whatever the cost may be, it should be provided for.

The CHAIRMAN. Would you have the committee apply that theory to every suggestion from everybody who brings in a bill affecting the Veterans' Bureau and its operations?

Mr. BETTELHEIM. We would ask the committee to seriously consider it.

The CHAIRMAN. Oh, well, that is another matter. But you do not ask us to seriously consider this. You say, do it, no matter what the cost is.

Mr. BETTELHEIM. No, Mr. Chairman; I do not say so. We submit it to you.

The CHAIRMAN. Modify it that way if you wish, and we will agree with that.

Mr. BETTELHEIM. We believe, candidly, that where the Government has put the man into the hospital and the director decides to change him from one hospital to another transportation should be provided. There are conditions where a man can not get into a hospital, because the hospital in his locality may be filled, and yet the Government has said that that man is eligible to enter the hospital. Why not provide means for transporting him to a hospital? I do not think it is going to amount to any vast sum. Naturally it is going to cost something. But the Government has said that it would take care of these men, so why not take them to the place where they can be taken care of? Now it is up to the director of the bureau.

The CHAIRMAN. Well, let me ask you another thing. Suppose that in the town of A there is a man who has some physical ailment that he thinks he should have adjusted, and he is 150 miles from the place where he can be examined. He goes to the place of examination and is found to have an ailment. Would you have the Government pay his expense from his home to that place of examination?

Mr. BETTELHEIM. These men have got to be men—

The CHAIRMAN. Well, just answer the question that I ask. It is easy enough.

Mr. BETTELHEIM. Oh, but your question is general, Mr. Chairman. You say that the man has an ailment. If a man has a neurosis or tuberculosis disease—

The CHAIRMAN. Let us make it a little more specific. Mr. X, living in the town of A, suspects that he has tuberculosis, and he goes 150 miles to the town of M for an examination before the proper authorities of the Veterans' Bureau, and he is found to have tuberculosis. Would you have the Government pay his expenses from his home to that place of examination?

Mr. BETTELHEIM. I do not know but what the Government has medical examiners nearer to him than 150 miles.

The CHAIRMAN. Well, never mind that. Just answer the question as I put it.

Mr. BETTELHEIM. If the Government had no other means of making an examination suitable to their regulations, yes.

The CHAIRMAN. Yes. Suppose it is found that he did not have tuberculosis, would you then have him pay for going down there to find out?

Mr. BETTELHEIM. No, sir.

Mr. HUDDLESTON. Mr. Bettelheim, we have tuberculosis and soldiers' homes, independent of the Veterans' Bureau, to which any honorably discharged soldier is eligible for admission. The method of admitting them is for a physician, not necessarily a Government physician, to examine the man and certify that he has tuberculosis. He then goes to the home, and is admitted upon that certificate. So

that no different or more expensive machinery is necessary for the admission of a soldier to a veterans' hospital than to a general soldiers' home. Do you see any occasion for attaching any such expensive conditions to his admission to a hospital, as was suggested by you by the previous question?

Mr. BETTELHEIM. I do not see where it will be so expensive. If you have that home right there and the Veterans' Bureau provides regulations for accepting that examination, the expense is cut down to the travel of 150 miles.

Mr. HUDDLESTON. We provided for the transportation of World War soldiers to these hospitals and back, and we did not know at the time how much it was going to cost. There are thousands of them in the hospitals where one Spanish War soldier has these disabilities. I do not think that is an exaggeration.

Mr. BETTELHEIM. No, sir; I do not think so.

Mr. HUDDLESTON. If we can afford to deal with thousands without knowledge as to the expense, do you not think we would be justified in dealing with solitary instances without a very exhaustive investigation?

Mr. BETTELHEIM. Yes, sir; I certainly do.

Mr. Chairman, those are the only thoughts that the veterans of foreign wars have in mind. The bill as it stands, except for what I have mentioned, is entirely acceptable to the veterans of foreign wars, and we hope that the committee's hearings will be shortened as much as one could expect, so that this bill can be reported out and passed and sent over to the Senate and passed there before this Congress passes into history. I thank you.

The CHAIRMAN. Will the Veterans' Bureau put forward anyone who has been assigned to the duty of representing that bureau?

STATEMENT OF MR. HAROLD W. BREINING, ASSISTANT DIRECTOR UNITED STATES VETERANS' BUREAU.

Mr. BREINING. Mr. Chairman, if it is agreeable to the committee I will just hit the high spots and present in writing the suggested changes that the bureau desires to have made so as to make the law more workable.

I should like to correct the statement made by one of the previous witnesses to the effect that the legal division of the bureau is composed of law clerks. Every opinion which is passed out by the legal division is reviewed by an employee who is admitted to the bar.

With reference to page 1 of the bill, section 29, line 10, it is suggested that the word "general" be stricken from the language in order that there may be no partiality shown as between the Army and the Navy. The Army has three kinds of court-martial, the summary, the special, and the general. The Navy has the deck, the summary, and the general.

While the special court-martial in the Army is somewhat comparable to the summary court-martial in the Navy, nevertheless the summary court-martial in the Navy has added powers and can try crimes which the special court-martial in the Army can not. Also the summary court-martial in the Navy has the power and authority to discharge men. Therefore, if the language as it is now written is left in the bill, it seems that for a crime committed in the Navy, for which a man is tried before a summary court-martial and discharged, the man will not be deprived of his rights to compensation and insurance; whereas for the same crime committed in the Army, being tried before a general court-martial, the man will be deprived of his rights to compensation and insurance.

The CHAIRMAN. In view of the fact that the Coast Guard was taken into the Navy during the war, are they regarded as members of the Navy in the application of this act?

Mr. BREINING. While they were under the Navy Department they were considered as a part of the Navy.

The CHAIRMAN. But suppose they should come under the tuberculosis or neuropsychiatric provisions of this bill, would their standing revert back to their period of enlistment in the Navy?

Mr. BREINING. If the disability was incurred during the time in which the Coast Guard was under the Navy; yes.

Mr. HUDDLESTON. Mr. Breining, what is an "undesirable discharge" in the Navy, or a "bad conduct discharge"?

Mr. BREINING. There are only three kinds of discharge, I believe: A discharge without honor, a dishonorable discharge, and an honorable discharge.

Mr. HUDDLESTON. That is only in the Army?

Mr. BREINING. As to the Navy, I do not know just how they grade them, but I am informed by the Navy that a dishonorable discharge, which is mentioned in this section 29, can not be given except by order of the court.

Mr. HUDDLESTON. Bear in mind that this clause does not speak of a dishonorable discharge; it merely speaks of "dismissal" or "discharge." I am referring to line 6, page 1.

Take the case of a boy who has enlisted under age. He states that he is over 18, and he makes oath to it after a fashion. That is an offense involving moral turpitude. Upon the application of his parents he is given an "undesirable discharge" in some cases, and in others a "discharge without honor," perhaps. This section seems broad enough to deprive him of all benefits.

Mr. BRENING. The section specifies "of which he has been found guilty by a court-martial." A man given a discharge in the Navy as undesirable would not go before a court-martial in the case which you speak of.

Mr. HUDDLESTON. Well, would it not be a summary court?

Mr. BRENING. No, sir. I think not. I can not speak with absolute authority, because I am not sufficiently familiar with the Navy regulations, but I believe that the captain of a ship is allowed to discharge so many as undesirable.

Mr. HUDDLESTON. Yes; he is.

Mr. BRENING. But that would not be by sentence of a court-martial.

Mr. HUDDLESTON. Well, he is the court. It is a highly technical matter, and I do not claim knowledge of it, but the commanding officer is authorized to try for certain offenses, and for that purpose he is a court. He is what is called a "summary court," I think. If the word "general" is stricken out of this language, it occurs to me that that would still be, accurately speaking, the decision of a court-martial.

Mr. BRENING. It is comparable with the summary court in the Army, but in the Navy it is called a deck court.

Mr. HUDDLESTON. No; it is not the same thing as a summary court in the Army. A summary court in the Army has exceedingly limited authority. Practically no case of any importance against the will of the accused, can be tried by a summary court. He can be tried upon a court-martial, and they will give it to him, and perhaps make him sorry he demanded it. But the commanding officer of a vessel of a certain importance, when at sea, can do almost anything he likes and has all the powers of a court.

The difficulty I have in mind with reference to the change you suggest is that I fear that will make the clause applicable to too broad a class of cases. It seems to me the test should be a dishonorable discharge.

Mr. BRENING. In that connection, if I might suggest it to the committee, it probably would be well to have a representative of the Judge Advocate General of the Navy explain that. I do not understand it in detail, I frankly admit.

Mr. HUDDLESTON. Any case of dishonorable discharge would bar compensation.

Mr. BRENING. What the bureau is particularly interested in is that cases of the same kind shall be treated in the same way in the Army and the Navy with regard to the war risk clause, which I think the committee will agree is equitable.

Mr. SWEET. I might suggest in this connection that the language of section 29 as it now stands uses the words, "guilty of mutiny, treason, spying, or any offense involving moral turpitude, or willful and persistent misconduct, shall terminate the insurance." The same language is used in section 29 of this bill, except "guilty of mutiny, treason, spying, or any offense involving moral turpitude, or willful and persistent misconduct, of which he has been found guilty by a court-martial." Those are the words to which the court-martial applies, "or that he is an enemy alien, conscientious objector, or a deserter," etc., remains in the law just as it is now.

Mr. HUDDLESTON. There is another aspect of this matter that I want to ask you about, Mr. Brening. It is the case that has come under my observation where a man served with unusual distinction, and received an honorable discharge. He subsequently reenlisted. The war is over. He fell into error and received a dishonorable discharge. Such a man is barred from receiving compensation or insurance on account of the disability which he sustained during the enlistment for which he received an honorable discharge—from a wound that he received. It seems to me that is rather harsh. Do you not think it ought to be sufficient if the man received an honorable discharge for the period of service during which his disability was incurred?

Mr. BRENING. Yes, it would seem so. Of course that goes back to a question which has been discussed and rediscussed, I suppose, ever since the institution of the Government; that is, if a man is dishonorably discharged, certain rights of citizenship are taken away from him.

Mr. HUDDLESTON. A dishonorable discharge does not bar a pension if the disability is shown to have been incurred in the service. If a man is in the front line and gets his leg shot off, and afterwards gets on a drunk while in hospital and receives a dishonorable discharge, he is entitled to a pension. It seems to me that it is very harsh to deny compensation in such a case, particularly if the dishonorable discharge is from a subsequent period of service.

Mr. BRENING. Of course there would be only a very small number of those cases, probably less than a dozen, because a man who has a disability would not be allowed to reenlist in the Army or Navy, because that disability would bar him from passing the physical requirements for enlistment.

Mr. HUDDLESTON. There are such cases, particularly neuropsychiatric cases and tuberculosis cases. I find that at least seven-eighths of the men who are drawing compensation were discharged as in apparently good physical condition. Of course such a man would be at once reenlisted if he wanted to reenlist. I have had a number of these cases in my observation, and two in which the boy was subsequently dishonorably discharged when he would otherwise be entitled to compensation.

Mr. BRENING. Of course this provides that where a man has been sentenced by court-martial to be dishonorably discharged and the Director of the Veterans' Bureau finds that during the time in which the act was committed he was suffering from a nervous disorder or some form of insanity, the director may pay him the compensation or insurance despite the provisions of this section 29. That would take care of the neuropsychiatric cases.

Mr. HUDDLESTON. That would take care of the case where a man was suffering from insanity. But let us assume that he actually committed the offense during a subsequent enlistment, that there is no doubt about his committing the offense, and he is put on trial by court-martial. I happen to know of one case in which during a subsequent enlistment a young man struck his officer, after having had a fine record of service during a prior enlistment. Of course, according to military law, he was not justified in striking him, but that boy has lost his insurance and compensation for the wound he received.

Mr. BRENING. I would not undertake to give an expert opinion on that, because I think it is a matter of common sense more than anything else.

Mr. HUDDLESTON. Well, the bureau is bound to reject the application in such cases. The present law is plain.

Mr. BRENING. Under the present law, yes. The question of whether the law on that point should be changed or not, as I believe, just a question of common sense, which the committee can decide without any opinion from the Veterans' Bureau. As a matter of fact, no experience which the Veterans' Bureau may have had would add to or detract from the ideas of the committee on that.

With reference to the proviso beginning in line 21 on page 2, section 29, the Veterans' Bureau suggests that that be eliminated from the bill and its provisions incorporated under section 409, with which it would seem it has a more direct connection.

Section 300, page 3, lines 24 and 25—

Mr. HUDDLESTON. Mr. Chairman, before Mr. Brening proceeds to section 300, I wonder whether there is not something further in this section.

Mr. SWEET. This is all old law.

Mr. HUDDLESTON. I see; it is practically all old law.

Mr. BRENING. As to section 300, it is suggested by the bureau that the words "prior to the date of approval of this amendatory act" be stricken out, and there be substituted "on and after August 9, 1921."

The CHAIRMAN. As a substitution.

Mr. BRENING. Yes, sir. On page 1, line 3, we suggest that the word "hereafter" be stricken out, and it be made to read "on and after August 9, 1921."

The CHAIRMAN. "Who is discharged or resigns after August 9, 1921."

Mr. BRENING. Yes, sir. As it stands at present it would be in conflict with the law, on account of discontinuing compensation after February 9, 1922.

On page 5, line 9, there is a provision with regard to funeral expenses. It is the suggestion of the Veterans' Bureau that this section be changed so that the beneficiaries of men dying of disease or injury of service origin shall be given transportation to their homes or burial places, and in addition thereto a fixed maximum sum, whether \$200 or some other sum, for burial expenses, the maximum sum to be paid only as to the actual expenses of the funeral and burial.

As it stands now there is an allowance of \$200 which applies to transportation, so that no provision is made for burial or funeral expenses of a man dying out on the Pacific coast, for instance, where the \$200 would be entirely taken up by transportation.

The CHAIRMAN. Let me see if I have the substance of that correctly. In addition to the payment of charges of transportation of the body home, or to the burial place, you want to provide that a maximum sum be established for funeral expenses?

Mr. BRENING. For funeral expenses only.

Mr. SWEET. You probably have formulated a substitute for that, have you not?

Mr. BRENING. Yes.

Mr. SWEET. I wish you would submit that for the record.

Mr. BRENING. All of these changes we will submit in writing.

With reference to page 7, lines 1 to 6, it is suggested that that entire proviso be eliminated, because it can be much better taken care of from an administrative standpoint. At present the regulations of the bureau provide that no compensation shall be changed without 60 days' notice, but to put that into permanent law would be to handicap the administration of this act.

We also have a provision whereby the total permanent payments made out of the converted insurance trust fund shall be borne by the United States Government and the transfer be made from the military and naval insurance appropriation. The reason for that is that when the rates were first fixed under the American Experience Table of Mortality there was no provision made for a total permanent fund. The converted insurance is purely a contractual proposition—it is a mutual company, so to speak, among the men—and any extension of liberality by Congress to converted insurance should be borne, the bureau feels, by Congress. Congress saw fit to allow the payment of insurance out of converted insurance trust funds, and it is felt that Congress should make provision for those payments.

Mr. SWEET. And that would be over and beyond the terms of the contract of insurance; that is, converted insurance?

Mr. BREINING. That is converted insurance; yes. Now they are all paid out of a trust fund which is created by the premiums paid in by the men themselves. Congress has seen fit to liberalize the contract to the extent of allowing payments to be made to the men for total permanent disability.

Mr. SWEET. Yes. That man is rated as totally permanently disabled and he has a converted insurance policy, that should be borne by the Government, over and beyond the terms of the contract in connection with converted insurance.

Mr. BREINING. Yes. Of course, the contract as it is now drawn does include the total permanent fund; but the original rates were fixed upon the American Experience Table of Mortality, which did not take into consideration the total permanent fund.

Mr. SWEET. Did not take into consideration the total permanent rating which matures the insurance?

Mr. BREINING. Yes, sir.

It is suggested that be added in the act a proviso that persons who now administer oaths under the regulations of the Army and Navy shall also be allowed to administer oaths with reference to the legal papers of the Veterans' Bureau. That is, so that a man filing a claim for compensation or a true copy of an affidavit may go down to a recruiting station and have the recruiting officer certify it rather than be put to the expense of going to a notary public.

Mr. SWEET. Have you prepared a provision along that line?

Mr. BREINING. Yes, sir; these suggestions will be submitted in writing not later than to-morrow morning to this committee.

Mr. HUDDLESTON. The bureau's regulations now require affidavits to be certified by a notary public under seal?

Mr. BREINING. Under seal; yes, sir.

Mr. HUDDLESTON. You do accept the certification of an officer not under seal?

Mr. BREINING. No, sir.

Mr. HUDDLESTON. In certain instances you do not require sworn statements. You do not require an officer or ex-officer of the Army or Marine Corps to make oath?

Mr. BREINING. No, sir.

Mr. HUDDLESTON. And you do not require a physician to make oath? I was wondering why there was so much formality with reference to oaths on the part of other people and the exception of these classes. Possibly they may be more worthy of credit, but it is hard in many instances to get an officer with a seal to certify these papers.

Mr. BREINING. Many of the requirements with regard to certification of papers are not promulgated by the Veterans' Bureau, but rather by the Comptroller General. On funeral expenses he requires that they be sworn to.

Mr. HUDDLESTON. That does not relate to proofs of disability and things like that; that is purely within the province of the bureau?

Mr. BREINING. If you desire, we have a legal representative here, who will go into that matter in more detail than I can.

Mr. HUDDLESTON. It seems to me to be an arbitrary thing, and I am frank to say I can not see the basis upon which citizens of one class are excused from making oaths and their ex parte statements accepted as veracious, whereas citizens of another class are required to make oaths. I know that doctors, as a rule, do not want to swear to anything, and I appreciate the reason for the regulation as far as they are concerned, but I do not see as far as the officers are concerned. I think it is discriminatory and undemocratic to say that rank in the Army excuses one from swearing and requires another to swear. That is offensive to me.

Mr. BREINING. Of course that is under the Army regulations.

Mr. HUDDLESTON. But you are not proceeding under Army regulations.

Mr. BREINING. That is true, and under the regulations of the Veterans' Bureau we do not recognize a colonel as not having to swear to a paper where we make a private swear to it. We forget all rank and distinction when we are considering any claim that comes before us.

Mr. HUDDLESTON. But an officer making any statement for the purpose of establishing disability is not required to swear to it? Is not that correct?

Mr. BREINING. Yes, sir; if he is still in the service.

Mr. HUDDLESTON. How can you justify that?

Mr. BREINING. That is something that is justified under the Army regulations rather than under the law.

Mr. HUDDLESTON. Well, the Army regulations are made by officers, and they make them to suit themselves, sometimes without any basis or just reason. I am wondering why Congress, or you as the instrumentality of Congress, should make such a discriminatory and undemocratic regulation.

Mr. BREINING. I do not believe that the Veterans' Bureau does that. I think that is a matter that is far beyond the Veterans' Bureau. It has been a precedent in the Army from time immemorial, almost.

Mr. HUDDLESTON. It is not often convenient for a soldier in the field to find a civil officer with a seal to certify his papers, and the law recognizes that fact, but this applies to ex-officers.

Mr. BREINING. We make no distinction between ex-officers and ex-enlisted men. An ex-officer has to have his papers sworn to in the same manner as an ex-enlisted man as far as the bureau is concerned.

Mr. HUDDLESTON. Then I was not correctly informed on that. I had submitted to your bureau statements made by ex-officers, not sworn to, and they were accepted. But that was not the point; I am digressing.

The common soldier, the enlisted man, has the same difficulty getting a notary to certify his affidavit as his officer does, and I can not see why, sitting in a purely civil capacity, as you are, you have to accept the Army procedure. They are both just purely individuals, and I can not see why the bureau should allow one class of individuals to make a statement in support of a claim not under oath and give it the same probative weight as the sworn statement of another.

Mr. BREINING. I do not feel that we do make any distinction there. Where a man is out of the service, whether he be an officer or an enlisted man, he has to go through the same routine and have his papers sworn to.

Mr. HUDDLESTON. Let me assume this kind of a case. Say there is a company at Fort Myer, and a claimant formerly belonged to that company. He desires a statement from his former officer, who is there, and his former sergeant, who is also there. The statements are presented to them, and they sign them. The sergeant must go before a notary public who has a seal, but the officer does not need to go anywhere.

Mr. BREINING. Well, I think we are proceeding on the same basis as any other civil or State institution.

Mr. HUDDLESTON. No; the common practice of the courts is to require all people to obey the same kind of rules. I think you will find that your practice is without precedent in any other bureau of the Government or any activity of any court. However, I do not want to interrupt you any further.

The CHAIRMAN. Will you proceed, please, Mr. Breining?

Mr. BREINING. There is another provision that is being suggested by the Veterans' Bureau—and it is purely a suggestion—as to making some provision in the law whereby a man in the hospital who has no dependents will be required to deposit a certain amount of his compensation with the Treasurer of the United States during the time that he is in hospital, so that when he is able to leave the hospital, he will have some amount of money to help him out. That is a matter that, as I say, we are just submitting as a suggestion.

There is another proposition that probably should be taken care of in some way in this act. A man has incurred an injury in the service prior to April 6, 1917, and has been discharged because of that disability, and has been allowed a pension. When the war came along he reenlisted and suffered an aggravation of that injury, which was sustained during his former enlistment period. Under the existing law he must elect whether he will take his pension for the original injury or take the compensation simply for the aggravation thereof. He is not allowed compensation for the total injury, which was sustained purely in the service of the Government.

I believe that is all I care to say.

The CHAIRMAN. Have any members of the committee any questions that they desire to ask this witness?

Mr. HUDDLESTON. Mr. Chairman, I wanted to ask someone about the practices of the bureau. Is that a subject, Mr. Breining, that you prefer to cover, or have you some other witness here?

Mr. BREINING. I could cover it generally. I have representatives here of the medical and legal divisions.

Mr. HUDDLESTON. Are you a lawyer?

Mr. BREINING. No, sir.

Mr. HUDDLESTON. Nor a doctor, either?

Mr. BREINING. No, sir.

Mr. HUDDLESTON. The first thing is with reference to the regulations. Are they in print?

Mr. BREINING. They are in mimeograph form; yes, sir. They are now being codified, I believe.

Mr. HUDDLESTON. Is that a very extensive document.

Mr. BREINING. I think perhaps Judge Cooley can answer that better than I can.

STATEMENT OF MR. R. W. COOLEY, ASSOCIATE COUNSEL, UNITED STATES VETERANS' BUREAU.

Mr. COOLEY. The regulations of the bureau are now being codified. The United States Veterans' Bureau has issued some 30 regulations. They have also issued nearly 150 general orders. Those are now being codified so as to eliminate from the codification all the repealed orders or regulations or portions of orders and regulations that have been repealed and also to make them consistent.

Mr. HUDDLESTON. I feel that it would be highly desirable, from the standpoint of public information, for them to go into these hearings, Mr. Chairman.

The CHAIRMAN. I would like to have a little testimony on that subject before I make up my mind. Mr. Huddleston suggests it might be wise to print those codified regulations in this hearing.

Mr. COOLEY. The codification is not quite complete yet.

The CHAIRMAN. Do you know of any reason why, in the administration of the bureau, the regulations should not be known to the men generally?

Mr. COOLEY. There is only one difficulty, of course. We have found where the regulations have been sent out rather broadcast that they have been liable to such misinterpretation that it has put a great deal of extra work on the bureau in straightening out the mistakes that others have made with regard to them. Of course, I do not know of any particular objection to letting the regulations of the bureau go to anybody who wants them.

Mr. HUDDLESTON. Quite a number of these claims pass through my office. I am now running my files up into the 11,000, as I noticed the other day, and I must receive them and proceed in the dark, in ignorance, trying to observe the regulations without knowing what they are. How is it possible for anybody to comply with the regulations of the bureau when he does not know what they are?

Mr. COOLEY. Not speaking officially at all, but personally, I think myself that these regulations ought to be put in permanent form; that is, in some printed form.

The CHAIRMAN. I will ask the clerk to make a memorandum to have the committee consider the advisability of getting these regulations and printing them as a part of these hearings.

Mr. COOLEY. Any time you want the regulations all you have to do is to let us know and you will have them.

Mr. HUDDLESTON. Well, on certain points I do not know whether there is any regulation or not. Another thing: What is your system of reviews in the bureau?

Mr. COOLEY. In what respect?

Mr. HUDDLESTON. Reviews of decisions.

Mr. COOLEY. Of course, all questions of fact—that is, the making of awards generally—are reviewed only by reviewers of the Claims Division.

Mr. HUDDLESTON. It was my impression that there existed in each district a district board of appeals.

Mr. COOLEY. I was going to speak of that next. When it comes to the question of decisions that are made by the reviewers in the claims division, if the claimant is dissatisfied with his rating or with the decision made in his case, he can appeal to the district board of appeals. Then if he is still dissatisfied with the rating of the district board of appeals, he can appeal to the central board of appeals, which is in the central office here in Washington.

Mr. HUDDLESTON. How are the district boards made up?

Mr. COOLEY. There are three members on each district board.

Mr. HUDDLESTON. Composed of whom?

Mr. COOLEY. Composed of a chairman, who is usually legal adviser, and the other two—one is a claims man and one a doctor.

Mr. HUDDLESTON. Who appoints these boards?

Mr. COOLEY. The director.

Mr. HUDDLESTON. The director appoints all district boards?

Mr. COOLEY. Yes.

Mr. HUDDLESTON. I presume, upon the advice of the—

Mr. COOLEY. Of the district manager.

Mr. HUDDLESTON. Who makes the decision primarily upon a compensation claim of an ex-soldier?

Mr. COOLEY. Primarily, the claims division—the examiner and reviewer in the claims division. Of course, primarily it is the district manager.

Mr. HUDDLESTON. The claim is filed with the district manager, but of course he does not personally make the decision. Who does make the decision?

Mr. COOLEY. The medical referee decides medical questions, and the claims examiners decide the other questions.

Mr. HUDDLESTON. Do such questions go to the district manager for his personal decision, in regular course?

Mr. COOLEY. In ordinary course they would not.

Mr. HUDDLESTON. What kind of record is made up for the district board of appeals for review?

Mr. COOLEY. Why, if the claimant is not satisfied, he simply appeals. He can appeal, and the file is sent to the district board of appeals.

Mr. HUDDLESTON. The original papers are sent up?

Mr. COOLEY. The original papers.

Mr. HUDDLESTON. Including letters, affidavits, and whatever there is?

Mr. COOLEY. Everything in the file.

Mr. HUDDLESTON. Does the district board render an opinion in writing?

Mr. COOLEY. Sometimes, when they make a final rating.

Mr. HUDDLESTON. Have they a docket of the case, and do they review it sitting all together?

Mr. COOLEY. I do not think they have any particular docket of the case. Their final decision goes into the case, or the rating sheet in the case.

Mr. HUDDLESTON. It is merely an announcement of the decision without reasons? That is the form it is in?

Mr. COOLEY. Usually; yes, sir.

Mr. HUDDLESTON. Is it a signed paper?

Mr. COOLEY. Yes; signed by the three members of the board.

Mr. HUDDLESTON. Then if the claimant is dissatisfied he can take an appeal to the central board of appeals?

Mr. COOLEY. Yes.

Mr. HUDDLESTON. How is that composed?

Mr. COOLEY. The central board of appeals is composed of five members—a legal member, a medical member, a rehabilitation member, a claims member, and an insurance member.

Mr. HUDDLESTON. Upon what kind of record do they proceed?

Mr. COOLEY. The full file.

Mr. HUDDLESTON. The original papers, the same as the district boards?

Mr. COOLEY. Yes, sir.

Mr. HUDDLESTON. Do they give a written, signed decision?

Mr. COOLEY. Yes, sir; signed by all the members of the board sitting.

Mr. HUDDLESTON. Do they assign reasons for their findings, usually?

Mr. COOLEY. They do sometimes. It just depends upon the character of the case. Sometimes they give their reasons, and sometimes they just make their decision.

Mr. HUDDLESTON. Are their findings and proceedings accessible to the public?

Mr. COOLEY. No more than any other records are. Of course the records of the bureau are not, as a rule, accessible to the public in the ordinary sense.

Mr. HUDDLESTON. I mean anyone who goes there and asks to see them.

Mr. COOLEY. No one would be granted the right to see them.

Mr. HUDDLESTON. Would the claimant, or anyone in his behalf, be permitted to see them?

Mr. COOLEY. The claimant would be permitted to know what the finding was.

Mr. HUDDLESTON. Would he be permitted to see the whole file?

Mr. COOLEY. No; because there might be some things in there of a purely confidential nature.

Mr. HUDDLESTON. Such as what?

Mr. COOLEY. For instance, there might be letters there in the nature of privileged communications.

Mr. HUDDLESTON. From whom?

Mr. COOLEY. Well, from persons who had given information in his case. I am simply giving you what might happen—the possible limitations.

Mr. HUDDLESTON. I wanted to find out the practice in such cases. It is within the practice of the bureau to take ex parte statements from outside persons contra to the claim, is it?

Mr. COOLEY. That is hardly a fair statement of it, Mr. Huddleston?

Mr. HUDDLESTON. I am just trying to get the facts.

Mr. COOLEY. We are not in the habit of taking contra statements unless they are sworn to. The claimant files his claim, and of course it is up to us to get all the evidence on that claim that we can. We find that there are certain witnesses available, witnesses whose names sometimes are furnished by the man himself. We send out and get their testimony. I would not call it ex parte.

Mr. HUDDLESTON. You have a system of investigators?

Mr. COOLEY. Yes, sir.

Mr. HUDDLESTON. Independently and not in cooperation with the claimant?

Mr. COOLEY. In some certain lines of information; yes.

Mr. HUDDLESTON. And they sometimes get evidence contra to the claim?

Mr. COOLEY. What class of cases do you refer to?

Mr. HUDDLESTON. None in particular. I am just trying to find out what is done.

Mr. COOLEY. It is not the practice of the bureau to make ex parte investigations in the ordinary sense. The investigations that are made in the bureau are largely on common-law marriage cases, cases arising under the head of open and notorious and illicit cohabitation, and dependency cases. Of course in dependency cases they must go to the parties themselves to find out what elements of dependency exist. In the case of common-law marriage claims we have to go to the parties themselves to find out what testimony they have to offer as to the existence of the common-law marriage. In the open and notorious illicit cohabitation cases the result of the investigation is always laid before the claimant; the claimant is given an opportunity to make her statement.

Mr. HUDDLESTON. But in all these cases you speak of it is the practice of the bureau to take the affidavits of witnesses, not in the presence of the claimant and contra to the interests of the claimant?

Mr. COOLEY. Generally they are not taken in the presence of the claimant.

Mr. HUDDLESTON. And those affidavits you would regard as confidential; you would not show them to the claimant?

Mr. COOLEY. We would not show them.

Mr. HUDDLESTON. With reference to medical examinations, are they treated as confidential?

Mr. COOLEY. They are largely so; yes, sir.

Mr. HUDDLESTON. If the claimant appears before a bureau examiner and is examined, the claimant is not permitted to know what that examiner says as to his condition?

Mr. COOLEY. Just to what extent the medical division discloses that information, I do not know. Mr. Huddleston; the medical representatives themselves will have to tell you that. There are, of course, as I understand it, certain well-founded medical reasons why a claimant should not be told his exact physical condition, and any physician will take the same position with the patient, if he really knows his business. And I understand the same influences work with the medical examiner. That is, however, a matter that the medical division will have to explain.

Mr. HUDDLESTON. Can you tell us what the scope of the report of a medical examiner is? Does it relate to such matters as temperature, respiration, and all these elements that go to indicate what the claimant's physical condition is, or is it a mere diagnosis?

Mr. COOLEY. It goes into the details, those that I have seen.

Mr. HUDDLESTON. I have never seen one.

Mr. COOLEY. It tells the whole physical condition of the man—temperature, pulse, breathing, blood pressure, and a great many things that I do not know anything about.

Mr. HUDDLESTON. Does the examiner also give a diagnosis?

Mr. COOLEY. I think so.

Mr. HUDDLESTON. There is a certain form that is used?

Mr. COOLEY. I think he always gives the diagnosis.

Mr. HUDDLESTON. There is a blank used, is there?

Mr. COOLEY. Well, there is a space in the blank for the diagnosis.

Mr. HUDDLESTON. And for all these other details?

Mr. COOLEY. Yes, sir.

Mr. HUDDLESTON. By whom is that statement received, the district manager or the district manager's office, which is referred to the medical officer?

Mr. COOLEY. The medical referee.

Mr. HUDDLESTON. Who reaches a decision upon it?

Mr. COOLEY. Yes.

Mr. HUDDLESTON. Then the case is referred to some other officer, who finds the facts upon the service records. Then what is done with the case? Who next deals with it?

Mr. COOLEY. The claims examiner, who passes upon the case—his work is then reviewed by the claims reviewer. The claims reviewer approves the award, and the award is made. In fact, the claims bureau practically makes the award.

The CHAIRMAN. Does anyone else desire to ask this witness a question?

Mr. HUDDLESTON. There is one more question I want to ask someone, and that is with reference to the presumption that the soldier was in sound physical condition when accepted, except for disabilities noted at the time. What is the practice of the bureau with reference to applying that provision?

Mr. COOLEY. As far as I know, we have always complied with it.

Mr. HUDDLESTON. I happen to have come in contact with neuropsychiatric cases—by the way, I use that word quite glibly without having the slightest idea what it means, and I suppose nobody knows unless he may be a doctor. Can you tell us what “neuropsychiatric” means?

Mr. COOLEY. The medical division asked the legal division to define neuropsychiatric, and the legal division absolutely refused to do so. We do not know. That we leave to the medical division.

Mr. HUDDLESTON. Have you considered this expression, in section 300, “psychosis, neurosis, or psychoneurosis”?

Mr. COOLEY. You will have to ask the medical men.

Mr. HUDDLESTON. Of course, somebody has to define those terms.

The CHAIRMAN. I suggest we let the medical men do it.

Mr. COOLEY. I decline to do it.

Mr. HUDDLESTON. The words have got to be defined from a legal standpoint. If those words have a legal meaning, it has to come from the legal division. But we will pass that.

I come in contact with this kind of cases. A man is accepted as a soldier, and he serves two or three years, perhaps as a corporal, or even as a sergeant. He is discharged as in sound physical condition. He develops some mental aberration or defect—I do not know what it would be called by a medical expert. Claim is filed with the bureau, and I am repeatedly confronted with the decision that it is congenital defect; that he was born so; that he is a “constitutional psychopathic inferior,” whatever that may be—that he is mentally defective. That finding is made by some medical officer, and the man is denied his compensation, although no such defect was noted at the time he enlisted and never was noted until two or three years later on. Can you explain how the bureau can take such action in the face of this statute?

Mr. COOLEY. Section 300 provides that the compensation is provided only for injuries or diseases incurred in the line of duty.

Mr. HUDDLESTON. Yes.

Mr. COOLEY. And there is a congenital defect. You could not say that that was incurred in the line of duty, could you?

Mr. HUDDLESTON. Well, yes; because the statute defines what it means by the expression “in line of duty” by saying that he must be held to have been in sound physical condition at the time he was accepted.

Mr. COOLEY. But here you have absolute proof, Mr. Huddleston, that this man incurred no disease in the line of duty, incurred no disease in the service.

Mr. HUDDLESTON. The bureau holds that, upon a finding of fact that the man did actually have his disability before he entered the service, they have the right to ignore this plain provision of the law that says in a mandatory way that he must be deemed to have been physically sound.

Mr. COOLEY. No. Of course you are arguing, Mr. Huddleston, from a specific case that you have had.

Mr. HUDDLESTON. Oh, I am arguing from a thousand cases.

Mr. COOLEY. I do not think there are a thousand cases that have come in of the kind you have described.

Mr. HUDDLESTON. Well, I have had almost a thousand in my office.

Mr. COOLEY. The situation is just this: We have claims come in where the men themselves come in and admit that they had this particular disability prior to enlistment. We have cases where the evidence in the file that the claimant himself provides shows that this defect was a congenital defect. The man has no greater disability when he is discharged from the service than he had when he entered the service, conceding that he had any disability. In such cases I can not see that he is

entitled to compensation for something that occurred prior to his entry into the service.

Mr. HUDDLESTON. Suppose a man had only one eye, that the other eye was palpably out, and he was accepted for service and served and was discharged, and there was nothing noted at the time of his enlistment or during his service. He later on files a claim for compensation. The facts are known to the bureau in a sufficient way. In that kind of a case the bureau holds that his claim to compensation should be rejected?

Mr. COOLEY. On account of that particular eye?

Mr. HUDDLESTON. Yes.

Mr. COOLEY. Certainly.

Mr. SWEET. May I add this, that at the time of his admission into the service it was not noted?

Mr. HUDDLESTON. Yes.

Mr. COOLEY. The eye was out, but it was not noted.

Mr. HUDDLESTON. Of course if you can do that, if that is the proper practice in these cases in which it is decided that he had the disability when he entered the Army, it follows as a matter of logic that you must do it also in those cases in which merely the preponderance of evidence reasonably satisfies the bureau that he actually did have the defect when he enlisted in the Army, although he may deny it?

Mr. COOLEY. Well, the bureau is very liberal on that question of the preponderance of the evidence in such cases as that.

Mr. HUDDLESTON. Well, we will say there is enough evidence.

Mr. COOLEY. There must be an admission on the part of the man or some sort of record somewhere that shows that he did have it before. And you must remember, too, Mr. Huddleston, that even in that class of cases where a man did have a disability of some sort prior to entering the service, if there is the slightest bit of aggravation in the service he can get his compensation for that.

Mr. HUDDLESTON. But that is another question entirely.

Mr. COOLEY. I know. What I am trying to say is that the point you are raising is, I think, really taken care of except in a very few extreme cases. For example, we have some cases of syphilis that are extreme cases, where a man contracted his syphilis prior to entering the service and there is no aggravation.

Mr. HUDDLESTON. The most shocking cases that I have are those in which a man has sense enough to serve in the Army, and perhaps serve as a warrant officer, and later on is found mentally defective, and the bureau finds that he was naturally so. That is a finding of fact upon the evidence submitted from various sources, and his compensation is denied. I think I could go through my files and find many such cases.

Mr. COOLEY. That, of course, raises the question of this neuropsychiatric condition, which I do not feel competent to discuss with you at all.

Mr. HUDDLESTON. This is the point. There is a dispute of fact. It may be that the fact existed, but it is in dispute. The bureau finds, in point of fact, that he did have the disability, and denies his compensation by a decision which seems to me to be flatly contradictory of this provision of the law.

Mr. COOLEY. My impression is that the medical people do not rate a moron at all.

Mr. HUDDLESTON. If a man has not got sense enough to be reasonably able to make a living he is entitled to compensation, if it is due to his service in the Army. I suppose that will not be denied. The thing I am curious about is the process by which the bureau found that any of these cases should be noncompensable, and to find out what amendment, if any, is necessary to insure that there shall be done what we tried to insure at the beginning.

Mr. HOCH. Mr. Chairman, I would like to ask just one general question of this witness. Since we are asking these general questions with reference to the bureau, I would like to have some one put in the record here a clear and comprehensive statement of what classes of cases precisely are kept in the district offices and what classes of cases are here in the files of the central office.

Mr. BRENING. The cases that are kept in the district offices are all except total permanent disability cases and death cases.

Mr. HOCH. And the cases that have been appealed from the District?

Mr. BRENING. The appealed cases. But where there is an appeal sent to the central office, if the case is not rated total permanent or the beneficiary is not deceased, those cases go back to the district office after they have been rated. The insurance cases also are kept in the central office. Those cases do not become active until the person either becomes "total permanent" or dies.

Mr. HOCH. As soon as the person is made "total permanent" the whole file is sent to the central office?

Mr. BRENING. Sent to the central office; yes, sir.

Mr. SWEET. I would like to ask Judge Cooley a question. After listening to your answers made to Mr. Huddleston, I call your attention to this language, which is familiar to you:

"Shall be held and taken to have been in sound condition when examined and accepted and enrolled for service, except as to defects, disorders, or infirmities made of record in any manner by proper authorities of the United States at the time of or prior to inception of active service."

As an abstract legal proposition I do not see how you are going to escape the conclusion that if a man is examined and admitted into the service who has one eye out, we will say, and that defect is not noted at the time of his admission into the service, he could collect compensation for that eye. It is not a question of a rule; it is a question of law, and when a man is accepted and no notation is made of any defects, then for the purpose of interpretation of this act he "shall be held and taken to have been in sound condition when examined and accepted." I can not get away from that proposition.

Mr. COOLEY. You are overlooking entirely the proposition that compensation is payable only for disability resulting from personal injuries suffered or disease contracted in the line of duty.

Mr. SWEET. But here is a construction to be placed upon the law; here is a condition that excludes all evidence of every kind. It says that, as far as this act is concerned, he shall be held and taken to have been in sound condition. You start with the man in sound condition, unless his defect is noted. And if no defect is noted then in that event, why, the bureau must accept that proposition, as I view it. I am discussing it from the standpoint of the law and from the standpoint that Mr. Huddleston suggests here, that there should be some way, if possible, to fix it so it shall be that way. I think this language is as strong as it can be made as it now stands. What do you think about it, Mr. Huddleston?

Mr. HUDDLESTON. I think possibly we can straighten it out a little bit, but it seems to me it is perfectly plain.

Mr. COOLEY. I think both you, Mr. Sweet and Mr. Huddleston, see very clearly that there must have been some disability incurred in the service, in the line of duty. I think the section needs amendment and needs it badly.

Mr. SWEET. That is what I am trying to get at. If it does need amendment, it ought to be amended. But I am not quarreling with your construction of it altogether, because it seems reasonable; but, on the other hand, I am discussing it in the abstract.

Mr. HUDDLESTON. Let me suggest this to you. The language at the beginning of section 300 is as follows: "For death or disability resulting from personal injury suffered or disease contracted in the line of duty on or after April 6, 1917." Applying this language to a case between individuals, we would say that it is the language which gives the right to recover. That fixes the right. Now, the language that Mr. Sweet has called attention to merely establishes a rule of evidence, a presumption, a conclusive presumption, and is entirely consistent with the clause that I read, which fixes the right, and shows merely how the soldier shall proceed to get the right that is insured to him under the first three lines of the section. Nobody can prove, nobody is permitted to prove, even his admission can not be considered to prove, that he did not have the disability, because the statute itself says that he must be deemed to have been physically sound. I wrote that myself. It may not be of interest, but I will say to you that it was my definite purpose to try to keep the bureau from denying the claims of these men upon the ground that they had the disability before they went into the service—to preclude that dispute.

Mr. COOLEY. Certainly, but I can not conceive that either you or the Congress should advocate that if a man entered the service with an arm off he should also get compensation for that arm.

Mr. HUDDLESTON. We were attempting to provide that it should not be disputed and that he should not be put to the trouble of proving that he was in sound condition, because if he was good enough to go into the Army he was good enough to draw the compensation.

Mr. COOLEY. Yes; for something that had happened before he went in.

Mr. HUDDLESTON. If the Government accepted him as sound the Government was estopped to say he was not sound. Is that your idea, Judge Sweet?

Mr. SWEET. That is the idea.

Mr. COOLEY. The comptroller has taken the opposite view on that. That is very largely what we base our position on.

Mr. HUDDLESTON. I do not see what the comptroller has got to do with it. It is up to you to decide whether the man is entitled to compensation or not.

Mr. COOLEY. I know, but when our vouchers go there he can turn them down.
 Mr. HUDDLESTON. When you make a decision that the man is entitled to compensation, the comptroller can not stop it.
 Mr. COOLEY. He does it.
 Mr. HUDDLESTON. Then he ought to be abolished.
 Mr. COOLEY. I agree with you there.
 (Whereupon, at 12:40 o'clock p. m., the committee adjourned to meet at 10 o'clock a. m., to-morrow, Thursday, February 1, 1923.)

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE,
 HOUSE OF REPRESENTATIVES,
 Thursday, February 1, 1923.

The committee met at 10 o'clock a. m., pursuant to adjournment, Hon. Samuel E. Winslow (chairman) presiding.
 The CHAIRMAN. I understand the honorable gentleman from Iowa desires to address the committee.

STATEMENT OF HON. C. WILLIAM RAMSEYER, A REPRESENTATIVE FROM THE STATE OF IOWA.

Mr. RAMSEYER. Mr. Chairman and gentlemen of the committee, I have an amendment that has been pending before your committee for some time. I presented this amendment once to a subcommittee, and the subcommittee considered it, but whether it was brought before the full committee or not I do not know. The committee undoubtedly will remember.

Mr. SWEET. I may say it was, Mr. Ramseyer, because I called it to the attention of the full committee.

Mr. RAMSEYER. I have been very anxious to get this matter before the full committee, and that is my purpose in appearing before you this morning. I appeared before the subcommittee a number of times on different propositions, and every one of those propositions has been incorporated into law—not because I appeared in support of them—with the exception of the one that I am presenting this morning, which I think is the most meritorious, perhaps, of any that I have yet presented. It relates to the automatic insurance section, section 401.

The bill to which I have reference is H. R. 2909, which is section 401, reproduced verbatim with the omission of a line or two. I will call your attention to the omission, so that you may know what the bill is. In this pamphlet, which is, I think, the latest compilation of the war-risk insurance acts, dated 1922, on page 54, is section 401, and the part that is omitted in my amendment begins on the seventh line from the bottom. I read the part omitted:

"And before the expiration of 120 days after October 15, 1917, or 120 days after entrance into or employment in the active service."

My amendment is section 401 verbatim, with the words that I have read omitted. The effect of my amendment is to give automatic insurance to all those who died or were permanently disabled between April 6, 1917, and November 11, 1918.

Automatic insurance, like contract insurance, establishes a contractual relation. Automatic insurance is no more a gratuity or a pension than is contract insurance, because the statute from the beginning has provided that within a certain time, 120 days, which time ended originally on February 12, 1918, a person who was without contract insurance was deemed to be insured.

The difference between contract insurance and automatic insurance, except for the limitation of time for automatic insurance, is this: Where a person has taken out contract insurance and has paid the premiums and kept up his policy, he gets \$10,000, while a person who did not have contract insurance, if he is within the limitation of the law, gets \$5,000.

Now, when this act became law, October 6, 1917, automatic insurance was given to all persons between April 6, 1917, and 120 days after October 15, 1917, which made it end February 12, 1918. On February 12, 1918, an amendment was passed by Congress extending the time for contract insurance, but with this proviso:

"Provided, That nothing herein shall be construed to effect an extension of automatic insurance provided for in said section 401 beyond the 12th day of February, 1918."

Section 401 was not further amended until December 24, 1919, over a year after the armistice. So that under the law as it then existed, between February 12, 1918, and November 11, 1918, the date of the armistice, no person who died without contract

insurance or was totally and permanently disabled without contract insurance was entitled to any automatic insurance.

When the first Sweet bill came up for consideration and was finally enacted, December 24, 1919, several important retroactive provisions affecting automatic insurance were incorporated in that measure. One was that any person who between the time he was accepted by the local draft board and the time he was finally accepted in the Army, or the time he was accepted at the concentration point, who died or became permanently totally disabled was given the benefit of automatic insurance.

Furthermore, by a retroactive provision enacted on December 24, 1919, the automatic insurance was extended 120 days, so that a person who was in the service the 12th day of February, 1918, when automatic insurance ceased, say for 30 days, had his time extended for 90 days, and all persons who came in after February 12, 1918, and were unprotected during the period of hostilities by automatic insurance, by this provision enacted December 24, 1919, had their automatic insurance extended for a period of 120 days. It developed after the war was over that there were a number of persons who died during the service, within the 120 days, without insurance, and demand came from different parts of the country that those persons should be covered, and eventually the committee found that the extension of 120 days would cover practically all those cases.

Other amendments were added to section 401, liberalizing by retroactive legislation the provisions of section 401. When the second Sweet bill was up a provision was enacted—not as an amendment to section 401 but at another place—which extended the privileges of the insurance provisions of the act to all persons who were provisionally accepted but were not inducted into the service before November 11, 1918, and who between the time they were provisionally accepted and the time of the armistice had something happen to them; they were given the benefits of the insurance provisions in the war risk insurance act.

Of course I do not think that any of those men who were provisionally accepted wanted to get into the fight; they were fellows who were looking for bombproof jobs. They were told by the authorities that places were not open and to go home and they would be called. I do not know of any case of any man who wanted to get in the fight who was not accepted on the spot. There was no provisional acceptance of men who wanted to fight.

I call your attention to these various amendments of the war risk insurance act simply in order to contrast them with the provision that I am now trying to get the committee to place in the bill. The purpose of this provision is to give the benefits of automatic insurance to all who, for various reasons, did not have contract insurance. When the first Sweet bill was up and this 120-day provision was inserted, which had not been put in before, there was a clause in there providing that it should not be given to those who had refused to take out insurance. As a matter of fact, there are on record the applications or partial applications of men who refused insurance, and those applications or partial applications show the fact that they did refuse insurance. But somebody made a motion to strike out that provision, and it carried. So that those who died within the 120 days after February 12, 1918, notwithstanding the fact they refused insurance and the record shows they refused insurance, are given the benefit of this automatic insurance.

Now, I am here speaking for a few men, or their beneficiaries—and I think it will only be a few—where the record does not show that they refused insurance, but for one reason or another the record does not show that they had insurance, and who died after the 120 days and therefore are not covered by any kind of insurance.

Mr. SWEET. In that connection, may I ask you this question: As I understand your proposition, Mr. Ramseyer, you are presenting an amendment here which would include all persons who entered the Army between the 6th day of April, 1917, and the 11th day of November, 1918, who made no application for insurance—

Mr. RAMSEYER. That is, the record does not show they made application.
 Mr. SWEET. Where the record does not show that they made any application for insurance, who died during the service without insurance—

Mr. RAMSEYER. Yes, sir.

Mr. SWEET. That their dependents, as provided in section 401, shall be entitled to automatic insurance?

Mr. RAMSEYER. That is correct. Under the law as it was even before your first bill was enacted, all were covered between April 6, 1917, and February 12, 1918. My amendment would cover the gap between February 12, 1918, and November 11, 1918; that is, the gap that is not covered by your amendment extending, by retroactive legislation, automatic insurance for 120 days to all men who were not in 120 days on February 12, 1918.

Mr. HUDDLESTON. Your amendment also covers all those who were totally permanently disabled during that period?

Mr. RAMSEYER. Oh, yes.

Mr. HUDDLESTON. Then, Mr. Ramseyer, if it is desirable to do that, and fair and proper, why should we not include those who went into the Army of Occupation after the armistice? They had the same period of service.

Mr. RAMSEYER. Well, I am confining myself simply to section 401. All the provisions for automatic insurance ended, according to the war risk insurance act and all amendments thereto, on November 11, 1918. Of course your proposition would open an entirely new field.

Mr. HUDDLESTON. None were inducted into the service after that date?

Mr. RAMSEYER. No; none were inducted after that date.

Now, let me illustrate that. When the first Sweet bill was up I had a number of cases in my district, of soldiers who died in the service without insurance, but all were covered by this additional 120 days that was placed in the first Sweet bill, with one exception. The first Sweet bill became law December 24, 1918. All those who were beneficiaries under that extension died in this country of the flu or some camp disease. The one that was not covered was a young fellow who went into the service immediately upon the declaration of war and was taken to France in December, 1917. In November of that year he wrote a letter home, addressed to "Mama, papa, and sister." It was a characteristic soldier letter, telling what he was doing and so on, and ended up with this statement—"I have a copy of the letter in my office; I sent the original back to the parents, who are of course keeping it in memory of the departed: 'Mama, I am going to be insured for \$10,000, which you will receive if I am killed. Your son and brother. Write soon.'"

That was signed by the soldier.

Now, this act went into effect October 6, 1917. This letter was written November 16, 1917, and of course it took some time to get to the soldiers their insurance rights and privileges under the new law. He left in December, 1917. Nothing further was exchanged on this subject. Of course his mother did not write him and say, "I am glad you are insured," or "Be sure to keep up your insurance." He did not say anything further. He was over in France at different places busily engaged in fighting the enemy.

In the spring and summer of 1918 he was engaged in every activity of the American Army on the front, and on October 4, a little over a month before the armistice, he was shot on the field of battle in the Argonne. After they learned of his death we looked this matter up, and there is nothing of record, nothing whatever, that he had any insurance.

As I stated before, I presented this amendment once to the subcommittee. On the floor of the House I presented this amendment; probably some of you will remember it. It received the majority of the votes of the Members who were there and listened to the arguments, but by the time the tellers were called and the Members from the outside got the word to stand by the committee it was voted down.

As I stated before, I feel very strongly on this subject, and I think it is the most meritorious proposition that I have ever presented to this committee. As I have already said, every other proposition that I have appeared on—not because I appeared on it—has been incorporated into law. The only objections that have ever been urged by members of the subcommittee when I appeared before it or by Members on the floor of the House are two in number. One is the strictly legalistic argument that the man had 120 days; he did not come within the law and apply for contract insurance, and therefore is not entitled to insurance. That would be a correct position if the matter were before a court. If the statute of limitations were admitted of record, of course there is only one decision the court could make.

Mr. NEWTON. Mr. Ramseyer, may I interrupt you there?

Mr. RAMSEYER. Certainly.

Mr. NEWTON. As I understand it, you are under the impression from the soldier's letters that he must have taken out the insurance, but through some error on the part of some Government official no record was made of it and the transaction was never completed?

Mr. RAMSEYER. That we do not know. Judging from the letter, the soldier either thought he had insurance or thought he was going to be insured. As I said before, there was no other word, although many letters were exchanged between him and his parents. There was no further word ever said about insurance.

Mr. NEWTON. And the records show no application for insurance and no refusal to take out insurance?

Mr. RAMSEYER. The record does not show a refusal of insurance; there is absolutely nothing there.

Mr. GRAHAM. Mr. Chairman, may I see if I understand what the gentleman wants? What classes of people are covered by this automatic insurance?

Mr. RAMSEYER. All those who died or were permanently disabled between April 6, 1917, and February 12, 1918. Those were the only ones covered, as the law was, during the entire war. Afterwards, in the first Sweet bill, which was enacted December 24, 1918, the automatic insurance—

Mr. SWEET. Just let me interrupt you there. You said the period between October 15, 1917—

Mr. RAMSEYER. No; April 6, 1917, and February 12, 1918.

Mr. SWEET. Yes; that is correct. Now, then, in addition to that, all those who entered the service even after that time were entitled to automatic insurance for 120 days after their admission into the Army.

Mr. RAMSEYER. I was just coming to that. Listen, and see whether I state it correctly. I stated that as the law was during the entire war the only persons entitled to automatic insurance were those who were permanently and totally disabled or killed between April 6, 1917, and February 12, 1918. After the war was over and your first bill came along, the Sweet bill, you added an amendment which, by retroaction, extended the period of 120 days to all after their entrance into the service.

Mr. SWEET. That is right.

Mr. RAMSEYER. So that a person who was in 30 days on February 12, 1918, the period was extended 90 days. All those who came in on and after February 12, 1918, were, by retroactive legislation, given a period of 120 days, but they did not have that protection during the hostilities. They were given this retroactive protection after the war was over.

Mr. GRAHAM. On what day was this act passed?

Mr. RAMSEYER. December 24, 1918, over a year after the war was over.

Mr. GRAHAM. Then men who died between February 12, 1918, and December, 1918, had no such provision in their favor?

Mr. RAMSEYER. Well, all the automatic insurance ends November 11, 1918.

Mr. GRAHAM. Well, then, between February 12, 1918, and November 11, 1918—

Mr. RAMSEYER. If they did not have contract insurance they had no insurance whatever?

Mr. GRAHAM. Yes; that is what I mean.

Mr. SWEET. But under the retroactive features of the amendment that was made, which was approved December 24, 1918, it was extended for 120 days to all men?

Mr. GRAHAM. Who had died during that period.

Mr. SWEET. Who had died during the 120 days after their admission into the service.

Mr. GRAHAM. Now, then, Mr. Ramseyer, that brings me down to what I wanted to ask you about. What class of beneficiaries do you want to get into this law?

The CHAIRMAN. Mr. Graham, we went over all that. Are you very anxious to go over it again?

Mr. GRAHAM. Mr. Chairman, I came in about five minutes late, and perhaps I did not hear the discussion with reference to that.

The CHAIRMAN. We started at 2 minutes after 10. If every member of the committee were to have that privilege, we would spend two days on that question.

Mr. GRAHAM. Do I understand that the Chair does not want me to ask the question? The CHAIRMAN. If you care to ask it, of course the Chair does not object, but the committee after talking the matter over asked that we try as far as possible not to have the answers duplicated.

Mr. GRAHAM. Very well. Then, Mr. Ramseyer, you need not answer.

The CHAIRMAN. Of course the Chair does not care.

Mr. RAMSEYER. As I was saying, the first objection was the legalistic objection that the 120 days were up, and therefore you had plenty of time, and because you did not avail yourself of it within that period you are out. Of course that is looking at it judicially. If you were sitting as a court that would be proper. But you are not a court, you are a legislative committee to consider the right and justice of all questions that are presented to you. In my mind, in the particular case that I have presented to you of this boy who finally was shot on the field of battle, I think his beneficiaries are entitled to as much consideration as the beneficiaries of the boy who within 120 days happened to die in this country or was permanently disabled.

Mr. HUDDLESTON. Mr. Ramseyer, the effect of your proposed amendment would be to place a man who died or was permanently disabled in the service and who intentionally and deliberately declined to take insurance upon an exact equality with a man who took insurance and denied himself in order to take the money out of his pay and who was also killed or permanently disabled?

Mr. RAMSEYER. No: I am asking you to deal with these fellows who died on the field of honor more than 120 days after they entered the service of their country, as this law did, on a par with the fellows who died 115 days thereafter.

Mr. HUDDLESTON. In what respect would those two soldiers as stated in my question differ in the treatment they would receive?

Mr. RAMSEYER. As the first Sweet bill read, the period of 120 days even was not extended to those who had refused insurance, but as to this man that I have particularly in mind there is no evidence that he refused insurance.

Mr. HUDDLESTON. That is not the question I asked.

Mr. RAMSEYER. I thought I was getting at that.

Mr. HUDDLESTON. No; you talked about dying "on the field of honor." I want to get an answer to this question. In what respect will the treatment which these two men receive differ, the man who intentionally and deliberately declined to take out insurance and the man who did take out insurance and denied himself in order to take it out? What good would accrue to the man who took it out over the man who did not take it out?

Mr. RAMSEYER. The man who took it gets \$10,000.

Mr. HUDDLESTON. Oh, no; he does not need to take over \$1,000.

Mr. RAMSEYER. Yes, that is true. But if I get your question, it has already been answered by the attitude of the House in the extension of 120 days in the first Sweet bill. That is the attitude of the House. If I were writing the law originally I would not give automatic insurance to those who had refused it. The object of extending this automatic insurance is to cover men who, through no fault of their own so far as the record discloses, failed to have insurance.

Mr. HUDDLESTON. Well, there were many men who were 120 days in the service without a definite opportunity to take insurance. In the confusion of war they were sent to the front without ever having it definitely offered to them. The 120 days was to give a man that much "grace"; that is the whole thing in a word.

Mr. RAMSEYER. The fellows who were in at the time this law was enacted were the fellows who probably did not have the opportunity. You know how it was when they were taken to the camp after the insurance law was in full operation after its enactment October 6, 1917. They were simply lined up and applications were presented to them, and in most cases, with very few exceptions, they signed them. But the fellow who was in the position of this young man, who went in early and was transferred to France very soon after this law was enacted, is the fellow who is more likely not to have had this opportunity presented to him. The fellow who went in after October 6, 1917, was lined up and they say to him, "Here is your insurance," and he had the opportunity of positively refusing it. And notwithstanding that, afterwards on December 24, 1919, you, by retroactive legislation, extended the time to him, even though he had absolutely refused and the record so showed. My claim is that these men who were in the service at the time the law was enacted had less opportunity to take this insurance than the fellows who were taken in afterwards.

Mr. HUDDLESTON. In that particular case that you refer to the boy had his 120 days' "grace" just like every other soldier, during which time he might have taken insurance, and we are bound to accept it that he declined intentionally to take it.

Mr. RAMSEYER. Well, I do not know whether such a presumption exists. He had his 120 days. But what I am trying to get at is this, that the fellow that was taken in after February 12, and afterwards given 120 days, is really less entitled to his automatic insurance than the fellow who, as in this particular case, was in when the law was enacted and very soon thereafter was transferred to France.

Mr. HUDDLESTON. Many of these boys were sent to France untrained, and over there soldiers were engaged in the business of fighting—not making contracts. Attention was generally diverted from it—the system of insurance—and it was the idea of Congress not only to give these men 120 days in which to apply, but in which to reconsider and make application for it if they had declined to do so—in which to familiarize themselves with the situation.

Mr. RAMSEYER. Well, those who entered on February 12, 1918, did not have 120 days; they were given that 120 days long after the war was over.

Mr. HUDDLESTON. That is immaterial.

Mr. RAMSEYER. Well, maybe it is.

The CHAIRMAN. Just one question. Have you investigated the number of cases involved and the probable cost of the bill?

Mr. RAMSEYER. I am just coming to that. As I said, the first argument urged against this is the legalistic argument, if I may use that term. The second is this. The committee wants to know what it will cost. I do not know whether there is any way of arriving at the number who died, or whether they have yet arrived at the number who died between February 12, 1918, and November 11, 1918, who were not covered by contract or automatic insurance.

You know—and it is no reflection upon this committee, because all committees operate a good deal the same way—how much of the legislation that you give consideration to comes from the fact that there is a large demand for it. I only know of this one case, and although I have presented this case a number of times I have heard of only a few other cases. When I appeared before the subcommittee one of the members of the subcommittee told me that they had submitted my amendment to the Director of the War Risk Insurance Bureau and that he said that the cost would be \$40,000,000. My amendment covers the entire section 401, and the director was asked to pass upon that. It covered, of course, the whole field of automatic insurance, so that can not be taken as a basis. If you could estimate the total number of cases you have heard of I doubt whether it would be over ten or a dozen.

A little over a year ago I wrote to the Bureau of War Risk Insurance and asked them for the number of deaths in the Army between February 12, and November 11, 1918, and also the number of cases on which insurance was being paid. Let me just give you the figures.

The total number of deaths in all branches of the service between February 12, 1918, and November 11, 1918, was 93,782. The total number of men discharged with disability, between February 12 and November 11, 1918—all kinds of disabilities—129,494. The letter states that these figures were obtained from the War and Navy Departments, and it is impossible to tell the degree of disability without a tabulation of each individual case. The total number of insurance death awards granted by the bureau from February 12, 1918, to November 11, 1918, was 100,304.

Now, if that is an answer to the question, it would mean that these awards were made for persons who died between those two dates. So you will see that the number of death awards between those two dates by the War Risk Insurance Bureau was greater than the number of deaths between those two dates reported by the Army and Navy Departments, which of course is impossible. The number of deaths is 93,000, while the number of death awards between those dates is over 100,000. Of this number 99,270 were for contract insurance and 105 were for automatic insurance. This letter was dated May 4, 1921, and that was quite a time after the Sweet amendment extended the automatic insurance for 120 days after February 12, 1918.

Mr. DENISON. Could they not have awarded a greater number of death claims between those two dates than the number of deaths on account of deaths that occurred prior to that time?

Mr. RAMSEYER. Well, of course, that is possible. The letter is not altogether clear to me on that point, but as I put the question I put it definitely that I wanted the awards for deaths that occurred between those two dates.

Mr. DENISON. I do not know what they had in mind, but we all know that the settlement of these death claims was often very much delayed, and awards were made months after the deaths occurred.

Mr. RAMSEYER. Yes; of course the number of deaths in battle and also from disease during the war were more than 193,000. They gave me the exact figures on that.

The total number of insurance death awards granted by the bureau for total permanent disability from February, 1918, to November, 1918, was 260. Of this number 257 were for contract and 3 for automatic insurance.

Now, if you can get a more definite statement from the bureau as to the cost, I wish you would get it. But according to my view, from what I have gotten on this subject myself and from what I have heard from other Members having similar cases, I doubt whether there would be 100 cases in the whole United States. If it were \$40,000,000 that my amendment eliminating those few words would add to, that would mean that my amendment covers 8,000 cases; that would mean almost 20 to every congressional district. If there were nearly 20 such cases on an average to each district, every Congressman would have heard of them and would be urging this very proposition on this committee with irresistible force. If such were the facts you could not and would not resist it.

My position is that if there is only one case in the United States, if it is a just proposition, it ought to receive as careful and thorough consideration by the committee as if there were 8,000. I know you will not have the pressure for such legislation with one case or 100 cases as if there were a thousand.

The CHAIRMAN. Have the members of the committee any other questions to ask this witness? If not, we are very much obliged to you, Mr. Ramseyer.

Mr. RAMSEYER. I am very thankful to you, Mr. Chairman, for this opportunity to be heard.

STATEMENT OF HON. M. CLYDE KELLY, A REPRESENTATIVE FROM THE STATE OF PENNSYLVANIA.

Mr. KELLY. Mr. Chairman and members of the committee, I am glad to have an opportunity of presenting certain cases which in my estimation are about as pitiful as anything in connection with rehabilitation legislation. It is the case of a man who comes home from the service with a vocational handicap and is, by reason of his physical condition, declared nonfeasible for training. The result is that he receives a rating of 10 per cent, 20 per cent, or 30 per cent disability, while unable to work for his livelihood, and at the same time is unable to take training.

I have such a case now pending, and I have had some 20 or 25 cases altogether. This is a lad who served in the forces and came home with epilepsy, not having had it before. Also, it has affected his hearing in a large degree. I have tried to talk with him, and I know his present condition.

That lad was admittedly unable to pursue his former vocation, and he was awarded section 2 training with pay after many months effort. I received the official notification, and sent him a message that the whole thing was straightened out, and he came back in a day or two later with a letter in which he said he was pleased he would have a chance to take vocational training. But the bureau officials refused to give it to him on the ground that he was nonfeasible for training. As a result of that decree he was to receive \$8 a month; he is unable to get any work, and he fears very much that he will have to go to the poorhouse or depend on charity.

Mr. DENISON. Mr. Kelly, what I would like to understand right there is how a man who is only 8 per cent disabled can not get any work.

Mr. KELLY. He was declared 10 per cent disabled, getting \$8 a month.

Mr. DENISON. Well, 10 per cent disabled. If he is 10 per cent disabled, he is 90 per cent able.

Mr. KELLY. Well, this particular man has epilepsy. He has tried to go to work on several different occasions and has repeatedly been refused work on account of the fact that he sometimes falls down unconscious.

Mr. DENISON. Is not that the fault of the administration of the law, not giving him a sufficient rating of disability?

Mr. KELLY. Well, I have had this case up for almost three years.

Mr. HUDDLESTON. What kind of training could he take that would rehabilitate him?

Mr. KELLY. Well, he is only afflicted once in a while with epileptic fits.

Mr. HUDDLESTON. If his affliction disqualifies him for employment, no amount of training would do him any good, would it?

Mr. KELLY. We are giving training to the blind, even.

Mr. HUDDLESTON. Men who are blind may do something useful, but if a man is incapable of doing anything useful, because of his physical condition, of course there is no use training him.

Mr. KELLY. The point I am making is that wherever those cases occur where veterans are declared nonfeasible I am willing to allow them to remain nonfeasible; but I want to provide that they shall automatically be put on the temporary total list and paid \$80 a month. This man is in a very unfortunate condition. He is living with his stepfather in Allegheny County, Pa., and his stepfather is objecting to the present situation, and they are talking of sending that boy to the county poorhouse.

Mr. SWEET. Are you having any difficulty in connecting his disease or ailment with the service?

Mr. KELLY. Not at all. We have that completely established. The boy was in good health when he went to camp after examination, and he came back ruined and shattered. That was admitted, but the bureau point is that he is nonfeasible for training. He is very deaf.

Mr. SWEET. Under those circumstances he should be entitled to \$65 a month for that alone, and if he has got epilepsy he should be entitled to something on account of that, if that is a permanent injury.

Mr. KELLY. I have been working on this case for three years, and I believe I have done about all that one Member of Congress could do on it. I got him raised to \$16 a month; before he got \$8 a month, and that was absolutely insignificant.

Of course, these are not all epilepsy cases. I sent up to the bureau asking them to give me some figures, and here are the figures that the director sends me in response to my request.

Of tubercular patients there are 18,799, segregated as follows: In hospitals, 5,647; out patients, 2,710; no treatment, 10,344. There are 10,000 boys who are getting no treatment at all, who are tubercular, who can not pursue their occupation, and at the same time in many cases are given 10 per cent or 20 per cent disability. I maintain that that is a very unfair proposition.

Of neuropsychiatric patients there are a total of 5,744; in hospitals 1,851; out-patients, 743; no treatment, 3,105.

Mr. GRAHAM. Does your amendment provide that all these nonfeasible cases, as you call them, should go on the temporary total disability list?

Mr. KELLY. Temporary total. That all eligible cases for vocational training, declared nonfeasible for training, on account of physical condition shall be designated temporary total, at \$80 a month.

Mr. GRAHAM. How many of them are there altogether?

Mr. KELLY. I am getting at that. The third classification is general disabilities, with a total of 4,753: In hospitals, 766; out patients, 797; no treatment, 3,149. That makes a total of all cases declared eligible for training but not feasible of 29,326, and about 17,000 that are getting no treatment at all.

Mr. GRAHAM. Now one more question: How does the Veterans' Bureau treat epilepsy? Do they consider it as a total disability?

Mr. KELLY. They do not. This boy that I have been speaking of is rated at only 20 per cent disabled.

Mr. GRAHAM. Do they admit that that is of service origin?

Mr. KELLY. Yes; that is proven in this case.

Mr. GRAHAM. And he is rated at 10 per cent?

Mr. KELLY. That was all at first. I finally got it up to 20 per cent, after a year's effort.

Mr. GRAHAM. As a matter of fact, epilepsy is practically a total disability?

Mr. KELLY. It is a total disability, and it should be recognized as such, so as not to have these boys out on the street as beggars with \$16 a month to take care of their absolutely necessary living expenses.

Mr. GRAHAM. Mr. Denison suggested to you that possibly that was the fault of the administration. What do you think about that?

Mr. KELLY. Well, the administration will not classify epileptics as totally disabled. I have not been able to get any of them so classified at all.

Mr. GRAHAM. Have you gone before the board of review down there?

Mr. KELLY. Oh, yes; this case has been before the general board. I had a boy in my office a week or two ago who fell in a fit in the office, and for 15 minutes we had to lay him out there. He was as stiff as a board, frothing at the mouth. That boy is in the same case. He gets \$12.50, he has a wife, and he is nonfeasible for training.

I have been trying to get more. My point is that when refused to give them training and they have a vocational handicap, they should be given \$80 a month.

Mr. SANDERS. Suppose that the claimant is nonfeasible on account of injuries not due to the service. You would not want to give him \$80 a month then, would you?

Mr. KELLY. Well, of course, he is not eligible for training unless he is rated at 10 per cent at least.

Mr. SANDERS. Well, suppose he is eligible to the extent of 10 per cent and suppose that he would be feasible for training, but on account of the injury or trouble occurring after he came out of the service he is nonfeasible?

Mr. KELLY. Oh, no; I do not think that should be covered.

Mr. SANDERS. This is the point I had in mind: They gave you the number of nonfeasible cases, but they did not give you the number of cases declared nonfeasible on account of injury or disease contracted in the service.

Mr. KELLY. No; but I am assuming that in these cases they did trace the disability back to the service before they were given an award. I figure that there are probably 20,000 now who are getting small compensation who would be listed up to a \$80 payment under such an amendment.

Mr. RAYBURN. Mr. Kelly, this man you are talking about is deaf, is he?

Mr. KELLY. He can not hear anything, scarcely.

Mr. RAYBURN. Do you mean to say that the bureau has given him a disability on deafness and only gives him \$8 a month?

Mr. KELLY. They have given him \$16 a month now, after having given him \$8 a month for two years.

Mr. RAYBURN. Well, say \$16. Have you any correspondence there in which they say that this epilepsy is due to the service?

Mr. KELLY. That is admitted right through the correspondence, and proof has been furnished.

Mr. SWEET. And also the deafness?

Mr. KELLY. The deafness also. I have a physician's certificate that I filed stating that he had known this boy all his life and that he was in good health when he went into camp.

Mr. RAYBURN. But I am talking about the bureau. You said a moment ago it was acknowledged by the bureau that this epilepsy was traceable to the service. I can

not understand how it is, if he is totally deaf and also subject to epileptic fits, they only give him \$16 a month. I think you must be mistaken about that.

Mr. KELLY. I had this case going through the files for almost three years, and I have seen this boy a number of times. He is so deaf that it is almost impossible to communicate with him.

Mr. RAYBURN. I am not talking about that. You say the bureau has stated that his epilepsy is traceable to the service, and also that his deafness is traceable to the service, and yet they have given him only \$16. I can not understand that. I think you must be mistaken.

Mr. KELLY. I have many cases just about same line. I have this boy who fell unconscious in my office who is admittedly epileptic, and he is getting \$12.50, for himself and wife.

Mr. RAYBURN. I am not talking about that at all. I am talking about whether or not the medical division of the bureau has said to you in a letter that this man's epilepsy is traceable to the service.

Mr. KELLY. Well, the bureau has admitted that. I do not know that I have that exact statement, but I have that fact stated through the correspondence. That is not the point at issue at all.

Mr. RAYBURN. The point at issue is just that. If this man is deaf from the service and is epileptic from the service, I think the bureau certainly ought to give him more than \$16 a month.

Mr. KELLY. I have been trying to get more for him for some time.

Mr. RAYBURN. I think it must be that you have never connected it up with the service.

Mr. DENISON. Will you give the committee the names of the officers with whom you had the correspondence, and the number of the case? We can then bring them up here and ask them why they did it.

Mr. KELLY. I can do that. The man's name is Prezel; compensation No. 320078-N. The sad part about his case is that they wrote a letter stating that he was eligible for training and asking him to make his application for training. He wrote to me, and I made his application for him. Then after a long series of letters they finally said that he is eligible for training under section 2, which is training with pay, and I notified him of that with great pleasure. Then on physical examination they declare him nonfeasible.

Mr. DENISON. What official handled that case?

Mr. KELLY. This letter that I have here is signed by C. R. Forbes himself. This is the notice that he is eligible for section 2 training. When we have boys who were disabled in the service, tramping the streets without being able to work, almost beggars, forced to go along on that kind of pay and sustain themselves, when it is admitted they can not work and can not take training, I believe it would be a fair proposition to say that they should have his temporary total disability of \$80 a month.

Mr. DENISON. That raises this question: We pass laws, which are meant to be applied in all cases. Now, when the administrative bureau does not do what someone thinks they ought to do and does not properly administer certain features of those laws, is it your idea that we, the Congress, ought to supersede the medical department in their judgment of cases, and go ahead and enact legislation which would take it out of their hands?

Mr. KELLY. Absolutely, on a question of policy.

Mr. DENISON. But it is not a question of policy—

Mr. KELLY. But this is a question of policy.

Mr. DENISON. We are not in a position to judge of a man's disability very well. We are bound to limit our activities to the enactment of laws and trust to some administrative body to administer them.

Mr. KELLY. This is not administration, this is policy. The bureau is probably right in saying that this boy is nonfeasible for training.

Mr. HUDDLESTON. But are they right in saying that he is only 20 per cent disabled?

Mr. KELLY. I do not think so, although he is able to go around. He walks the streets and is able to get around, but he is subject to these epileptic fits, and can not work.

Mr. DENISON. And when they say that he is not more than 20 per cent disabled, do you believe that we ought to say, by law, that he is?

Mr. KELLY. That is not my contention at all. My contention is that when a man is eligible for training, but when they say he is nonfeasible, he should be entitled to \$80 a month for temporary total disability.

Mr. GRAHAM. Mr. Kelly, they could say that under the existing law if they wanted to, could they not?

Mr. KELLY. Yes; but that is not the point I am raising. I am getting at the training.

Mr. GRAHAM. I know, but the law is sufficient for them to do that if they would administer it properly.

Mr. KELLY. He was declared eligible to receive section 2 training.

Mr. GRAHAM. I know, but let us get back to this proposition. Could not the Veterans' Bureau to-day give that man total temporary disability?

Mr. KELLY. They could; yes, and they could give it to all other epileptics who can not work.

Mr. GRAHAM. Then it is a question of the administration of the law, is it not? What I am saying is, that so far as the law that is now on the books is concerned, the Veterans' Bureau could dispose of these cases in that way if they wanted to?

Mr. KELLY. They would have to lay down the policy that epilepsy constitutes temporary total disability.

Mr. GRAHAM. And I think they should.

Mr. SWETT. May I ask you this question, Mr. Kelly? Is it not possible that the trouble in this case is that the bureau has not had a clear presentation of the ailment of this man? All their ratings are paper ratings. Have you investigated for the purpose of ascertaining whether this case has been fully presented to the bureau and all the facts presented—not conclusions—but facts upon which they may predicate a proper award?

Mr. KELLY. I think everything has been put in their hands—statements from doctors and everything—to show this boy's condition. I have presented a letter from the Red Cross, which stated the pitiful condition in which this boy finds himself and in which they asked me to make an effort to do something for him, and I did so. Here is a little statement from this visitor. She said:

"Inasmuch as compensation for these men has rarely been awarded in a sufficient amount to maintain them and they are debarr'd from their vocational training or employment by reason of the rulings made by the War Risk Insurance Bureau, there seems to be nothing for these disabled men to do but to tie themselves to the nearest county home and live as beneficiaries of public charity."

I also wrote to the chairman of the rehabilitation committee of the American Legion to get his idea. He says:

"I am glad you have taken up this matter, and if you can get action through covering these nonfeasible cases it will prove a great benefit."

That is the statement of Mr. Sparks, chairman of the national rehabilitation committee.

Mr. RAYBURN. Do you contend that this boy is totally deaf?

Mr. KELLY. Totally deaf; yes.

Mr. RAYBURN. Will somebody from the bureau answer this question? What is the compensation for total deafness?

Mr. BREINING. Sixty-five dollars a month.

Mr. RAYBURN. Sixty-five dollars a month. Therefore Mr. Kelly is not proving his case or his constituent is not totally deaf, even if they do not say anything about epilepsy.

Mr. BREINING. I may say that the folder on that case is in our district office, but I have sent down for the abstract card and such other information as we have, and will present it to the committee when it comes.

Mr. RAYBURN. You see, Mr. Kelly, if you had proven your case he would get \$65 a month for total deafness. You say he is totally deaf?

Mr. KELLY. The boy is so deaf that, as I say, it is almost impossible to communicate with him.

Mr. RAYBURN. The bureau says that if he is totally deaf he gets \$65 a month. Your client was getting \$8 and now has been raised to \$16. Of course, you have not proved your case to the bureau that he is totally deaf.

Mr. KELLY. I shall be very glad if out of this shall come \$65 a month for this boy.

Mr. RAYBURN. His stepfather would probably be able to take care of him then.

Mr. KELLY. Yes. But as I say, that is only one case. I could bring files here of 12 or 15 from my own district, covering exactly the same point.

Mr. RAYBURN. I would like to ask some member of the bureau another question. How do you rate epileptics?

Mr. BREINING. I think Doctor Holt can answer that question.

Doctor HOLT. May I ask that I be permitted to discuss that when I make my statement to the committee?

Mr. RAYBURN. No; I would like to have the information now in connection with this discussion.

Doctor HOLT. The rating of epilepsy is based on three considerations. The number, severity, and frequency of the seizures is the first consideration always. Secondly, the temperamental and emotional changes, and changes in the personality, which

oftentimes accompany epilepsy, but not invariably. The third is the existence of actual mental or intellectual changes; that is, dementia, insanity, psychosis, and the like. If a man afflicted with epilepsy is insane or demented, he is permanently disabled. He can have epileptic seizures so frequently, without insanity, that he would be permanently totally disabled, even though he is not insane or has no intellectual disturbance. The ratings range from as low as 40 per cent permanent and partial up to permanent and total.

Mr. RAYBURN. The lowest rating, then, for epilepsy is \$40?

Doctor HOLT. Ordinarily that is the lowest. For petit mal or "small seizures" it is as low as 15 per cent.

Mr. RAYBURN. Then let me ask you this: Suppose a man goes on and is entirely normal, as in the case presented by Mr. Kelly, and say once every two weeks he falls into a spasm. About what would you rate him?

Doctor HOLT. A man subject to the average seizures as often as once every two weeks is rated on the rating table at about 70 per cent permanent partial.

Mr. RAYBURN. Mr. Kelly, how often does your man fall into these fits?

Mr. KELLY. He is reported to have a very bad case of epilepsy. I do not know how frequently his seizures occur.

Mr. RAYBURN. That is just it. It must be you are here asking us to pass a law to instruct the medical division of the department—

Mr. KELLY. I insist that is not the point.

Mr. RAYBURN. I am not an expert on any of these medical things, but I am trying to get at this, that if that man is dead and if he is an epileptic, if he can prove it, it would seem that he would have enough to hire somebody to take care of him.

Doctor HOLT. Before an epileptic is paid compensation on the ratings that I have given we have to confirm that he has epilepsy. We have to have some proof of epilepsy before we can actually go ahead and make payments. We have arrangements for observation in hospitals, if necessary, or as out patients if the seizures are sufficiently frequent that they can be seen by such observation. It sometimes happens that tentative ratings are made in the absence of positive proof of epilepsy. Ratings as low as 10 per cent have been given, but in these cases there is an order in effect that all epilepsy is to be observed, studied, and examined by a board, and that on the board's findings the permanent rating is made in accordance with what I have told you.

Mr. RAYBURN. And you have got sufficient laws and sufficient regulations to take care of all these cases when they prove their case?

Doctor HOLT. Yes, sir.

Mr. KELLY. I want to say again that that is not the point at issue, Mr. Rayburn. The point at issue is this, that where a man is declared by the physicians to be nonfeasible for training—that in itself is evidence that he is nonfeasible for work—then he should be given a temporary total rating. I do not mean to take it out of the hands of the doctors. I am taking their word for it that those boys are nonfeasible, and I say that they ought to be given \$80 a month until they are declared feasible. Perhaps that might have an effect in directing a little more consideration to some of these boys who are anxious to have training.

Mr. RAYBURN. What do you mean by "nonfeasible"? Nonfeasible for what?

Mr. KELLY. Nonfeasible for any kind of training. The doctors say that; they say these boys are nonfeasible for training.

Mr. RAYBURN. What doctors?

Mr. KELLY. The doctors in the offices in Philadelphia and Pittsburgh, and other offices having jurisdiction. They say these boys are not feasible, and therefore they would not give him training.

Mr. RAYBURN. But what do you mean by "nonfeasible"?

Mr. KELLY. You understand what the word "feasible" means, do you not?

Mr. RAYBURN. Absolutely.

Mr. KELLY. Well, then, the word "nonfeasible" means impossible to be trained.

Mr. RAYBURN. He is too bad off to be trained? Is that it?

Mr. KELLY. Exactly; it means that it is impossible to train him.

Mr. RAYBURN. He is so bad off he can not take training, and yet he gets only \$16 a month?

Mr. KELLY. Absolutely; and there are many other cases of the same kind. I had a tubercular case where the man was declared nonfeasible by the doctors, and he was unable to go back to work, and yet he is getting a little compensation that won't keep him. We should give some regard for these unfortunate guys. I think a proviso might well be added to this bill to provide that when an ex-service man has disability of service origin and is unable to take training and unable to work, he will be automatically given temporary total rating. I would put it on the training line, instead of the other, for it might aid in the rehabilitation of many service men.

Mr. DENISON. In this case there seems to be somewhat of a lack of proper coordination between the two departments. The doctors connected with the vocational training seem to hold one view, and the other doctors in the placement division seem to have a different view. Is there not a lack of coordination there?

Mr. KELLY. I think there certainly is.

Mr. DENISON. And would it not be proper to try to secure better coordination?

Mr. KELLY. I believe the policy of the bureau is to list these epileptics and some others as nonfeasible for training. I think if they are going to hold to that policy, we should provide temporary total disability for them.

The CHAIRMAN. Has any member of the committee any other question to ask this witness? If not, Mr. Fish, we will be glad to hear from you.

STATEMENT OF HON. HAMILTON FISH, JR., A REPRESENTATIVE IN THE CONGRESS FROM THE STATE OF NEW YORK.

Mr. FISH. Mr. Chairman, I shall be very glad to speak at this time, because I have a committee meeting to attend myself. I have not heard all of the statements this morning, so I do not know just what you have taken up. Has the gentleman from Iowa appeared before the committee to-day?

The CHAIRMAN. Yes—Mr. Ramseyer.

Mr. FISH. I would like to support his contention, and perhaps the best way is to illustrate by my own experience. I think Mr. Ramseyer offered a proposition that those who did not carry insurance and who died in the service should have automatic insurance of \$5,000.

I believe there must be quite a few men in the service who did take out insurance, and whose insurance papers were lost or mislaid, and that there were others who meant to, but for some reason or other, did not—through negligence perhaps. I feel that the widows and the mothers of these boys should not be penalized because of neglect either by the boys themselves or by the Government officials who handled the papers. I heard only last night, when I was discussing this subject with my secretary, that she had been told that there were women in the War Risk Bureau who, when they could not read these names, just tore up the cards and papers, and so these insurance papers were lost.

I want to illustrate the proposition by telling of my own experience. There was a boy in my command who, to the best of his knowledge and belief, had insurance. I have a letter that he wrote his mother, saying that he had insurance. He certainly believed that he had insurance. The company clerk testified that he had insurance, and the sergeant in his particular command made a statement to the same effect.

Mr. DENISON. What do you think of the case of those who stated that they did not want any insurance?

Mr. FISH. Will you permit me to finish this statement before I reply to that?

Mr. DENISON. Certainly.

Mr. FISH. This boy was killed in the battle line, and there is no record that he had taken out any insurance, in spite of the fact that he had written his mother that he had. I have had this case up for two years and have been unable to get any action. They will not give this boy's mother any insurance at all.

Now, in answer to your question, a lot of people were rushed over there in the early part of the war, actually before the officers knew what this war risk insurance was. We started out in October, 1917. The insurance did not go into effect, I believe, until just about that time. The officers did not know anything about it. We were rushed over there, and were rushed up into the line in March or April, and the result was that these boys and even the officers did not know much about war risk insurance, and some of them may not even had an opportunity ever to take it out. I admit very frankly that I did not understand it very well myself at that time.

I feel in this matter, of course, that every one of those boys who died in the service should be given the benefit of the doubt as far as their immediate relatives are concerned, and be covered by the automatic insurance.

I do not believe there is a very large number that would be affected. You will find that the records show that well over 90 per cent of the men did take out insurance, and in some of the cases where they did not, perhaps, as in this case, it was not their own fault. But if it was their own fault and they were negligent about it when they did not refuse, but they did not take the trouble to go and get it I say that in that case if the boy died in the service the mother or the widow should not be penalized on account of his negligence in not going after the insurance. Later on, I believe, there was some kind of a blank which the men filled out, when they refused to take out any insurance. Of course where a man did that I would not expect you to give him very much consideration.

Mr. DENISON. You were speaking about conditions that existed over on the other side. You would not limit this to the boy who went over there, would you?

Mr. FISH. No; I would not.

Mr. DENISON. Well, the boys who remained in camp here had full opportunity to take out insurance?

Mr. FISH. I believe they did. When a blank was given to them they had to say, "I refuse." Is not that right, Mr. Sweet? I am not familiar with what happened in those cases, but I do think we ought to take a broad point of view and cover all these cases where they did not refuse in writing. There are not many. I do not believe many of you have heard from your congressional districts on such claims. If you had anybody in your district you would have heard of it by now. You may have had one or two cases, but I do not believe they are numbered in the hundreds. I do not think the Government can do enough for the relatives of the men who were killed or died in the service.

Mr. DENISON. If the amendment were offered on that assumption, why not just wipe the whole thing out and give the parents a pension?

Mr. FISH. No; the widows are getting their \$25 a month now. But I say that in those cases where the soldiers did not carry insurance and were killed or died in the service, amounting to a few hundred in number, they should get the automatic insurance. Why penalize the mother if the boy was selfish? Why should we penalize the dependents because he wanted this money for himself, or if the papers were lost, or he never had an opportunity to take insurance?

Of course we could not come in and ask this if we had been in the war a long time and had had very heavy losses. We could not do it, because the insurance would not have carried itself. But in this war, with our few losses, the insurance more than carried itself, and therefore I say we ought to be liberal and give this \$5,000 to the dependents.

Now, you may say that it is contrary to policy. I understand it is not contrary to American policy. I understand that during the Civil War—some of you gentlemen may remember my predecessor, Colonel Ketcham—

Mr. DENISON. I do not mean to say it is contrary to policy; I mean it is contrary to the theory of Congress in the enactment of war risk insurance legislation.

Mr. FISH. There is no doubt about that, except as I pointed out, we did not have the losses that we expected, and this insurance more than carried itself. But in the Civil War, for instance, Colonel Ketcham, my predecessor here for 40 years, was a colonel in the Union Army. He went home from his command—they did not wait in those days; he went home, right up in Dutchess County, N. Y., and took to the widow or mother of two of his men \$2,500 from the Treasury and delivered it. That was during the Civil War. They did not then have any system of insurance, of course, but I am just pointing out that it is not contrary to American policy.

I do not know how many cases this would involve. This is a case where I actually believe the man had insurance, but there is no way of proving it. But I would not draw the line on that, because as I pointed out, if a man dies in the service the Government certainly should do everything in the world for his dependents. That is the general proposition.

Now, turn for a minute to this little bill that you passed out in your committee a few months ago, increasing the pay from \$25 to \$50 for the blind, the legless and the armless. I understand an amendment to that is necessary.

There is a case here in Washington—how many more there are I do not know, but the case has been brought to my attention of a man who lost his right arm at the top socket and the right leg at the top socket, and they say he does not come under my bill which provides for the armless and legless, that a man who has one arm and one leg off is not included.

Mr. SWEET. How much is he drawing now?

Mr. FISH. I do not know the man. I have his name; he corresponded with me.

Mr. SWEET. I think he is drawing \$100 as a permanent total and \$57.50 insurance, and under that bill he might draw, if they so interpreted it, \$50 more. I did not know whether he was getting that \$50 or not.

Mr. FISH. No, he is not getting that. He says that the bureau ruled that he was not included under that bill, because he has not lost two arms or two legs. He has lost one arm and one leg, and that is not covered. I think you will probably agree that a man who has lost one arm and one leg is as much entitled to this compensation for a nurse or attendant as a man who has lost two arms or two legs. That is just a minor amendment.

Mr. NEWTON. Are they both on the same side of the body?

Mr. FISH. Yes; it happens they are both on the right side. I do not know that it would make much difference.

Mr. NEWTON. It would make a difference in his getting around, I should think.

Mr. COOPER. Mr. Fish, I think I know of the man that you speak of, and aside from his compensation he works every day at the Bureau of War Risk Insurance.

Mr. FISH. If you could tell me his name I would know whether it was the same man.

Mr. COOPER. I do not know his name, but he stayed down here at the Driscoll Hotel. He lost an arm and a leg.

Mr. FISH. He may work there. I do not know. He is not from my district.

Mr. COOPER. What would he get out of that?

Mr. FISH. Oh, he gets paid if he works. I couldn't tell you. I would be very glad to look up the record and give you his name.

Mr. COOPER. That is the only man I know of. They call him "Jimmie." I do not know his last name. He works every day at the Bureau of War Risk Insurance or the Veterans' Bureau.

Mr. FISH. But that would not change the aspect of this particular bill. I do not know this man. I have never seen him. I am just taking what I have received by letter.

Mr. SWEET. Has the bill that has been enacted, known as the Fish bill, changed the law in such a way as to preclude this man from receiving that benefit?

Mr. FISH. It has; yes. I suppose he receives the \$20, but he wants to be included in this bill. I think the purpose of the bill was to include him, but it was not worded properly.

Mr. SWEET. Under the old law, as I read it, it would be paid to him, for it says:

"If the disabled person is so helpless as to be in constant need of a nurse or attendant, such additional sum shall be paid, but not exceeding \$20 per month, as the director may deem reasonable."

Mr. FISH. Oh, I think he probably gets the \$20.

Mr. SWEET. Why can't he take advantage of your act?

Mr. FISH. That supersedes this provision.

Mr. SWEET. And therefore your bill has cut off certain persons?

Mr. FISH. The Senate amendment included just the legless and armless.

Mr. SWEET. Yes; it amended paragraph 5 of section 302. Therefore the bill that was introduced by you has limited the relief that may be extended to the disabled soldier?

Mr. FISH. Oh, no; that does not affect the old law. It simply makes an increase for the blind and the legless and armless, and the bureau's interpretation of that is that they have to be entirely legless or entirely armless. That is a minor ruling; I do not know whether there is another case or not.

Mr. RAYBURN. Mr. Fish, you are talking about another bill than the one that was passed a while ago, to pay \$50 a month for a nurse?

Mr. FISH. I was suggesting an amendment to that.

Mr. RAYBURN. I thought that was already adopted.

Mr. FISH. That is adopted and signed.

Mr. RAYBURN. What do you want now?

Mr. FISH. Now I understand that the man who has lost an arm and a leg is not included. I thought the purpose of the bill was to include it.

Mr. RAYBURN. Well, it might have been in your mind, but it was not in the mind of the committee, as far as I know. But if we do enact that would you be willing to put a proviso in there, "provided the \$50 is paid to a nurse or an attendant"? Here is a man that they say gets \$1,400 a year in the War Risk Bureau, and he gets \$57.50 from the Government. Do you want to give him any more?

Mr. FISH. No. I think this bill is so worded that it leaves it to the discretion of the director. I do not think you will find me wanting to give the service men anything more than they are entitled to, and I do not believe in giving these men anything more. I will go just as far as any member of your committee in limiting any unnecessary expenditures.

Mr. RAYBURN. I understand that. The \$50, or the \$20, was put in the bill originally to take care of the man who was constantly in need of an attendant. Of course, your amendment would mean the same thing. Do you want it written so that it does not apply to a man who does not need an attendant or a nurse?

Mr. FISH. No; I do not. I do not know whether you understood me in the beginning. This now applies to the blind, which is the main reason for the bill, and to the armless and the legless. The man who has one arm off and one leg off is not included under the heading of armless or legless. I simply wanted that amendment. Of course, I would go further and give the director of the bureau the power to dispense that same amount of money to all those who are in need of it, who are totally and permanently disabled, so that they could live at home. That is the main reason of the bill, so that they could live at home and have attendants. I do not think that

a man who lives in a hospital and is totally disabled should receive any of this increase. There is no reason for it. But I do think it should be arranged so that a man could hire an attendant and live at home with his family if he cares to. That is the purpose behind this bill of mine.

Mr. COOPER. It does not necessarily follow that a man would be entirely helpless if he had lost an arm and a leg, like this man we just spoke about. He works every day, and he gets \$1,400 a year salary.

Mr. FISH. It is at the discretion of the director. The director ought to know what to do. There are very few of these cases—I think there are only 336—and of course the director will have those cases all investigated. The man who works or who does not require this should not get it. It gives the director discretion in the matter. I thought it was originally very well worded, but it did not include this particular type of man. I would go much further and say to give the director the power to give this increase to all the totally permanently disabled men who require it. Of course, the man who has got tuberculosis and is in a hospital does not require it.

Mr. HUDDLESTON. Mr. Fish, at the time that bill was presented in committee I criticized it on the ground that I could not see any reason why one man who was in constant need of an attendant should receive only \$20 a month for the attendant and another who was in no greater need of an attendant, though having a slightly different disability, should receive \$50 a month. Can you explain that discrimination and give me some reason for it?

Mr. FISH. I can not. I say that the man who is helpless and can not work should be included in this bill. That was the original purpose.

Mr. HUDDLESTON. If a man has tuberculosis and is confined to his bed and in constant need of a nurse, is there any reason why he should not receive as much as a blind man, also in constant need of a nurse?

Mr. FISH. None at all, if he lives at home; but I am absolutely opposed to these men who live in hospitals receiving any increase. And I want this time to make this suggestion, if it has not been brought up by Mr. Sparks, that the committee should endeavor to work out a scheme, if possible, to hold in a savings fund part of the money that now goes to the permanently disabled veterans and the men who are taking vocational training. I think our system now is pauperizing these boys. They are all young fellows. They are not disposed to save money.

Take any young fellow who goes into a vocational school and gets \$100 a month. That money comes easy. He is being trained. He is a young man, and he spends that money, and if he has a surplus he blows it in, perhaps in making partial payments on an automobile. I think we should consider very seriously the question of reducing the amount of money and holding it in a fund until the man graduates from the school, so that when he starts out in life or starts in business he will not begin as a pauper. If he had \$300 or \$400 as a nest egg to start in with, it would help this whole situation. As it is now we are giving \$100 a month to these young fellows in school, and I think we should take at least \$30 of that away and put it in a fund. I would also apply that to the man that is permanently disabled and is being hospitalized. He gets, say, \$80 a month. I think you could reduce that by \$30 and put that in a fund until he gets out.

Mr. HUDDLESTON. May I suggest this: The theory of this training allowance is that it is merely sufficient to support the man while he is in training, and not that he receive an unnecessary amount at all? Of course, in some communities it is one amount and in another community another amount. I am wondering how it would be possible to take anything out of what is supposed to be only reasonably necessary. If it could be held up it might never be given to him.

Mr. FISH. I agree with you that probably was the theory, but experience has shown that they can live comfortably for less. They are given their vocational training fee, and their room and board expenses should amount to much less than \$100.

Mr. NEWTON. Mr. Fish, a good many cases come up where young fellows under the maintenance of \$100 a month complete their training, say as barber, or some other vocation, and find it difficult to start in with the money they save from what they were getting from the Government. The result is that we encourage these boys to continue in school. It has often occurred to me that we might have some legislation that would put these fellows on a sort of partial placement training while they were getting started in the practical application of their learning. We could give a man say, \$20 a month while he is working, for six months or so, and that would be an inducement for him to get out into the world and apply what he has learned in the school.

Mr. FISH. Well, that argument could be applied to this proposition that I have advanced here. If they have this money coming to them it would be an inducement to them to graduate from the school and go into business. They would then have a little nest egg. That is one of the inducements. They would have this money held up.

To-day we are only pauperizing these fellows. They come out of the school, some of them, without any money and with no job. In the first place, they would want to get this money that was coming to them, and there would be an inducement for them to graduate. Your suggestion is just another way of meeting what I have put up to you.

Mr. SWEET. Mr. Fish, the situation in regard to vocational training and the pay which the men are receiving has come about largely as a result of the conditions which existed right after the war and the conditions which exist now. In other words, at the present time they are really receiving too much, while immediately following the war they were not receiving too much, because of the cost of the necessities of life. Now, do you not think it would be better if the Government would reduce the amount that they are now paying these boys down to meet the situation as it now exists, rather than to take up the proposition you are presenting, of the Government entering into this matter and laying aside a certain sum of this money for the boys when they come out.

Of course, every man is going to rebel terrifically against the Government stepping in and saying what shall be done with the money which he believes he is entitled to while he is taking vocational training.

Mr. FISH. Mr. Sweet, I think you would have a revolution among the soldiers now if you tried to prove to them that this money is too much. Men in high authority have had that idea for a long time.

Mr. SWEET. I agree with you on that.

Mr. FISH. And I know, speaking simply as a member of the Legion, that they would fight to the last gasp any reduction by as much as one dollar. But I think you could get the American Legion and other soldier organizations solidly behind any comprehensive plan along the line that I have suggested, to set aside a sinking fund, reducing by \$30 or \$50 a month the amount that is paid these fellows, with the purpose of paying it to them when they leave the school or hospital. I have talked it over with many Legionaires, and they are all perfectly open-minded on it, and many of the leaders are strong for it. Of course it is a new proposition.

Mr. SWEET. Well, is it a new proposition? Take it in the soldiers' homes, for instance. A man is receiving a certain amount there. To be sure, it is in the nature of a pension, but nevertheless they do hold out a certain portion of it until the man leaves the institution.

Mr. FISH. You probably know—you do know, and the rest of the committee know, that where the Veterans' Bureau falls down to-day more than anywhere else is in vocationalizing the disabled veterans. It is a disgrace. It is humiliating, if you study this chapter. I think they are trying to do their best, but they are spending millions of dollars vocationalizing these soldiers, and they have not had practically any results, and I do not know whether they are going to have any results unless the situation is changed. That is the situation, but I do not want to talk with you any longer on that proposition.

Mr. RAYBURN. Let me ask you just one more question: Have you talked over with the men who are the beneficiaries, this matter of withholding this money that belongs to them?

Mr. FISH. Oh, no.

Mr. RAYBURN. Don't you think every one of those men would rebel and say that the Government was trying to put itself in the position of a guardian over them, that it is indicating them as not being able to attend to their own affairs?

Mr. FISH. No, I do not think so. I think those fellows have common sense. Some of them would kick, probably, but I believe that if the soldier organizations would stand up and say that it was not proper thing to do, they would not have any justification for rebelling or even complaining. However, if the soldier organizations took the other point of view, of course there would be a lot of trouble in getting it through.

The CHAIRMAN. Are there any other questions to be asked of this witness. If not, we are very much obliged to you, Mr. Fish.

STATEMENT OF HON. JOHN McDUFFIE, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF ALABAMA.

Mr. McDUFFIE. Mr. Chairman and gentlemen, I shall not detain you more than two or three minutes, I hope. I received a letter yesterday from the clerk of the committee inviting suggestions from the Members of Congress, and I came with the view of discussing with you for just a moment the question of distribution of unpaid installments.

Section 15, with which you gentlemen are familiar, says:

"That if any person to whom such yearly renewable term insurance has been awarded dies, or his rights are otherwise terminated after the death of the insured, but before all of the 240 monthly installments have been paid, then the monthly installments payable and applicable shall be payable to such person or persons within

the permitted class of beneficiaries, as would, under the laws of the State of residence of the insured, be entitled to his personal property in case of intestacy."

A case was brought to my attention, although it did not occur in my district, and I thought possibly you gentlemen might be interested to such an extent that you would see fit to make some amendment to that section.

To give you an idea of the point I wish to present let me give you the case itself. A soldier died, leaving insurance of \$10,000, payable to his father. The father died and left four children. Of course upon the father's death the unpaid installments went to and were equally divided amongst the four children. One of the four children died, leaving two little children. Now, the bureau holds—and I assume they hold correctly—that that one-fourth which was going to one of the heirs of the father of the soldier, goes back to the estate of the soldier and is redistributed, rather than directly to the little children of that heir of the father. Do you catch what I am driving at?

The CHAIRMAN. It seems simple.

Mr. HUDDLESTON. Mr. McDuffie, may I interrupt you a moment?

Mr. McDUFFIE. Yes, sir.

Mr. HUDDLESTON. These four children that you refer to are the brothers and sisters of the soldier?

Mr. McDUFFIE. Yes, sir. After the soldier's death the insurance went to the soldier's father—the \$10,000. Upon the father's death it was equally divided amongst his four children, the surviving brothers and sisters of the soldier.

Mr. HUDDLESTON. But not because of the father's right. They took it merely in their right as heirs of the deceased soldier.

Mr. McDUFFIE. Yes; I understand that. Now, suppose one of them dies leaving two little children, as in this case. That one-fourth, instead of going to the little children, who are the heirs of that sister of the soldier, under the ruling of the bureau, goes back to the soldier's estate and is redistributed.

Mr. GRAHAM. What State is that?

Mr. McDUFFIE. It is in the State of Alabama, but that is not in accordance with the laws of the State of Alabama. That is the very point I am trying to suggest to the committee. It is divided amongst the other three brothers and sisters and neices and nephews.

Mr. HUDDLESTON. Did the soldier live in Alabama when he died?

Mr. McDUFFIE. Yes, sir.

Mr. HUDDLESTON. Then the bureau must correct that when it is presented to them in that way, because they have to distribute it according to the laws of the State in which the soldier lives.

Mr. McDUFFIE. Yes, sir. I agree with you as to distribution under the laws of Alabama. I have talked over the telephone with gentlemen down at the bureau. I confess I have not been down to take it up with the legal branch of the bureau, but the gentleman with whom I talked says that the sister of the soldier who died did not have such a right in the one-fourth being paid her that her children would take directly from her as they would in our State, as you know, Mr. Huddleston.

Mr. SWEET. What is the objection of the department? That the children of the sister are not in the permitted class of beneficiaries?

Mr. McDUFFIE. Oh, no. They take that one-fourth share, Mr. Sweet, of the mother of these children, who was a sister of the soldier, and put it back, so to speak, as a part of the soldier's estate rather than the estate of the mother, and then redistribute it, giving a part of the one-fourth to the brothers and sisters of the soldier and the rest of it to the two children, his niece and nephew.

Mr. SWEET. They must take one or the other position; that is to say, that the children were not in the permitted class of beneficiaries or, on the other hand, that according to the laws of Alabama it should go to the other brothers and sisters. What is their position?

Mr. McDUFFIE. They certainly do not take that position, because they are giving the children a sixteenth each. There were four of these brothers and sisters. One died and left two little children. She was getting a fourth, but instead of the two little children getting an eighth at her death they are getting a sixteenth.

Mr. SWEET. Is that according to the laws of Alabama?

Mr. McDUFFIE. No, sir; it is not according to the laws of Alabama. But the point I am trying to express is this, that the bureau says she did not have such a right in this one-fourth of the insurance that she could will it, for instance, to her own children; that her right was not such a vested right, but immediately upon her death it goes back, so to speak, to the estate of the soldier, and then they inherit or take from him and not from her—that these two little children inherit from the soldier himself rather than from their mother as they would in our State.

Mr. DENISON. It seems to me their interpretation is correct, according to the law. Mr. McDUFFIE. I do not know about that; I am inclined to agree with you, because it says, "be entitled to his personal property in case of intestacy."

Mr. HUDDLESTON. To clarify this, let us assume that the soldier died leaving three brothers and sisters and two children by a deceased sister. Those two children, under the laws of Alabama, would together inherit one-fourth of his estate?

Mr. McDUFFIE. Yes, sir.

Mr. HUDDLESTON. That is the law right now with reference to this war-risk insurance law. There can not be any doubt about that.

Mr. McDUFFIE. Mr. Huddleston, let me call your attention to this: Do those children take from the soldier's estate and not from their mother's estate?

Mr. HUDDLESTON. Certainly not. As these four brothers and sisters did not take from their father but only from their brother, so did these children take from their uncle and not from their mother. And of course they inherit per stirpes under the law of Alabama and together get the same share that their mother received.

Mr. McDUFFIE. But they are not inheriting according to the laws of Alabama.

Mr. HUDDLESTON. Then the decision is wrong, and I am quite sure they will correct it.

Mr. McDUFFIE. I do not know whether his decision is wrong or not under the language of this statute. I thought probably you might want to amend the statute so that in cases of this character those little children would take their mother's share rather than have it go back to the soldier's estate to be divided up between them and their uncles and aunts.

Mr. RAYBURN. Do you think that this share that the mother was getting would, under the laws of Alabama, descend to these children like any personal property?

Mr. McDUFFIE. Under this statute? I doubt it, sir. I am inclined to think that under this statute it would have to go back to the soldier's estate and then be redistributed.

Mr. RAYBURN. Yes. Suppose this woman had no heirs; it would then have been redistributed among the three living brothers and sisters?

Mr. McDUFFIE. Yes, sir.

Mr. RAYBURN. And they simply take this one-fourth back and redistribute it and give each one of them a fourth of the fourth, which gives each one of these children one-eighth apiece?

Mr. McDUFFIE. No, sir; it gives to each of three brothers and sisters one-fourth of one-fourth, or a sixteenth apiece, and one thirty-second to each of the two children.

The CHAIRMAN. Don't they get one-fifth of what goes back?

Mr. McDUFFIE. No, sir; only a fourth of their mother's one-fourth divided between the two of them.

The CHAIRMAN. Let us see. The estate of the soldier is divided into four parts, and the mother of the children had a fourth part?

Mr. McDUFFIE. Yes, sir.

The CHAIRMAN. And they take her part and throw it back into the original pool?

Mr. McDUFFIE. Yes, sir.

The CHAIRMAN. Then they divide it among five?

Mr. McDUFFIE. They divided it among five; that is true.

The CHAIRMAN. Then they get a fifth apiece, those two children?

Mr. McDUFFIE. No, sir; the two children together only get a fourth of what was going to their mother under the bureau's ruling, which would be a sixteenth, whereas under the laws of Alabama those two children would get all of their mother's share.

Mr. RAYBURN. The way this works out, Mr. McDuffie, this one-fourth goes back and is divided into four parts. Each one of the remaining brothers and sisters get a fourth of this fourth, and these two children together get a fourth of this fourth.

Mr. SWEET. Let us read it in the law.

"Installments payable and applicable shall be payable to such person or persons within the permitted class of beneficiaries as would, under the laws of the State of residence of the insured, be entitled to his personal property in case of intestacy."

So it must go according to the laws of that State, and if the law of that State is as you contend, it seems to me the bureau has ruled wrong. On the other hand, the bureau can only follow the law of the State of residence of the soldier in the distribution of personal property.

Mr. McDUFFIE. That is true.

Mr. SWEET. And as this question of going back and forth here does not arise under this statute, but it is according to the statutes of Alabama?

Mr. McDUFFIE. No, sir; I do not agree with you. I think they are following this statute here.

Mr. DENISON. Here is the view that the bureau has taken on it. It depends upon whom you are talking about inheriting property from. If they are inheriting it from

their mother, of course, that view is right, but under this statute all of it has to be inherited from the soldier himself, so that when the mother's interest fails that goes back to the soldier's estate, and it is to be distributed to the soldier's heirs according to the laws of Alabama, not to the mother's heirs. So I think the bureau is correctly applying this law in distributing that one-fourth share to the heirs of the soldier.

Mr. RAYBURN. Not the heirs of the beneficiary?

Mr. DENISON. Not the heirs of the beneficiary, but the heirs of the soldier.

Mr. McDUFFIE. That is what they hold. They distribute it to the heirs of the soldier rather than to the heirs of the beneficiary under that policy.

Mr. HUDDLESTON. Suppose that three of these surviving brothers and sisters die. Then, if their share goes back into the "pool," as the chairman has suggested, and it is distributed according to this same practice, the end of it all might be that one survivor might inherit an undue share of it to the exclusion of others who have the same right under the laws of Alabama to inherit. That seems to me to demonstrate the absurdity of the construction that you say the bureau has put on it.

Mr. SWEET. I think it is a most absurd construction, if that is the construction they are placing on it.

Mr. HUDDLESTON. Obviously it was the intent of Congress to have this insurance descend to the heirs of the soldier at any given time per stirpes, not per capita as individuals, and I can not see any other way to work it out.

Mr. McDUFFIE. You feel, then, that this can not be amended so as to relieve that situation?

Mr. HUDDLESTON. Oh, yes; it can be amended so as to make it impossible of misconstruction. But there is this thought that I would submit. If that construction be true, it seems to me that there is a vested right in this inheritance in these heirs, vested by the war-risk act, and by virtue of the death of the parent, which may not be taken away because of the prohibition of the Constitution. You are up against that proposition.

Mr. McDUFFIE. I take it that the committee had in view the question of preserving the rights of a specific class of beneficiaries when you wrote the law. You wanted to keep the money in the family, so to speak, and I take it that was your idea when you put this section into the law, so that in case of death of beneficiaries it would be distributed only within that permitted class. But nieces and nephews are in the permitted class. In the light of the language of section 15 of the act I think the bureau could not be far wrong. In fact, I do not know that they are not correct in holding that this one-fourth which the mother had must go back into hotchpotch, so to speak, and then be redistributed among the other heirs and her two children rather than follow the Alabama statute, which would mean that her children would get all her one-fourth, or one-eighth each.

Mr. DENISON. Here is an illustration of how the other theory would work out. Suppose one of these heirs should die leaving no children, but leaving a wife. I think the theory of the present law is that that will not be inherited by the wife, but will go back and will go to the heirs of the soldier himself, and therefore not pass out of the blood relationship of the soldier. If you follow the other theory, then that one-fourth would go to the man's wife, who was not related to the soldier at all.

Mr. LEA. I take it this statute provides the same method of distribution as is provided for his personal property in case of intestacy?

Mr. McDUFFIE. Yes.

Mr. LEA. That is, the time of death. That is the measure of distribution of this property and the termination of the heirship. That means that these children should have one-fourth, instead of one-eighth of this property. It says "his personal property in case of intestacy." That is the standard applied, and that must be the standard applied, as his heirs should at the time of his death.

Mr. McDUFFIE. In other words, he can not die but once.

Mr. LEA. He can not die but once, and his rights are determined as of that period. Mr. McDUFFIE. Well, that is the construction that the bureau has put upon it. I beg your pardon for taking so much of your time.

The CHAIRMAN. Thank you very much, Mr. McDuffie. Mr. Brennan, do you wish to be heard now?

STATEMENT OF HON. VINCENT M. BRENNAN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF MICHIGAN.

Mr. BRENNAN. Mr. Chairman, I have here two propositions, each of which I have embodied in a separate bill which I have introduced. Each proposition involves, as I look at it, a defect in the present law. The first one is covered by H. R. 13405, entitled "A bill to make provision for and grant relief to vocational trainees who suffer an additional injury while pursuing vocational training."

I can best explain the purpose of this bill by giving an illustration. This is, by the way, an actual case which was brought to my attention by the officials of the Charles A. Learned Post, of the American Legion of Detroit. A man by the name of Kolencik was awarded vocational training along mechanical lines. He was assigned to a school in Detroit. His war disability was an injury to his arm. While pursuing his vocational training he caught his left hand in a mechanical device and two of his fingers were severed. He was obliged to give up his training, and was in the hospital for several weeks.

He applied to the Veterans' Bureau for relief because of this additional disability which he had incurred, and the Veterans' Bureau advised him, that under the law, the new injury was not a disability incurred in the military service and that he could obtain no additional compensation.

It happened that this school that he was attending was conducted by the municipal authorities of the city of Detroit, and so he filed a claim with the common council of Detroit asking for compensation. They ruled that while it was actually a municipal school, he was a Government student, and that the city was not responsible. So he took it up with me, and I filed a private bill, which was referred to the Committee on Claims, and they said, "We are not giving special relief to individuals who served in the World War; this should be covered by general legislation."

So I have introduced this bill, which provides—
"That when any trainee suffers or has suffered an injury while pursuing training awarded him under the vocational training act, and such injury results in additional incapacity to such trainee, he shall be entitled to the same rights and remedies as though such additional injury was incurred by him in the military service during the World War."

The theory of that bill is simply this: Here is a man who is encouraged to go into vocational training by the Government in a Government school. If he were employed in a factory in Michigan, or in almost any State of this country, and had a hand cut off while an employee he would be given compensation. And even if when he entered that industry or that service he was suffering from a disability he would, I think, under the compensation laws of every State in the country, be entitled to additional compensation for the additional injury. Under the present law a man in a Government institution pursuing Government training who incurs an additional injury has no way under the law of our country to get a penny for those two fingers he has lost. He may lose an arm or a leg, he may be killed, and his heirs are entitled to nothing.

Now, my thought is this: It is not a violent fiction to say that this man is still in the military service, that his vocational training is a continuance of his military service, is a result of the same, and if while pursuing it he incurs an additional disability the Government should provide some relief. And the simplest solution, it seems to me, is simply to say that he shall be treated the same as if that additional injury had been incurred while actually in the service.

The CHAIRMAN. Suppose, Mr. Brennan, you had two men side by side, working on like machines, and the two suffered the same accident. Say that one was a soldier working in that school for pay, and the other was a soldier taking vocational training. How would you feel that those two men stood in relation to each other?

Mr. BRENNAN. The soldier who is working for pay would be taken care of either under the workmen's compensation act of his State or would have his remedy at the common law, if the machine was not properly guarded.

The CHAIRMAN. Well, let us presume it was all right.

Mr. BRENNAN. In other words, the man who is working for pay has an employee to whom he can look for damages for his injury. But the man who is pursuing vocational training has no employer, and under the present law has no relief.

The CHAIRMAN. Is not the man who is receiving vocational training getting pay, too?

Mr. BRENNAN. Yes, he is. He is getting paid, but the relationship of employer and employee does not exist between the Government and the trainee.

The CHAIRMAN. You think the employer would be held in law as being liable for the man who was paid for his service, and not liable for the man working next to him, doing the same kind of work, because he was a vocational student?

Mr. BRENNAN. It simply is a question of law as to whether the relationship of employer and employee exists. In the particular case which inspired this bill there is no question but what no relationship of employer and employee existed, for the reason that this was purely a vocational school.

The CHAIRMAN. Well, suppose that one of the men working right along beside him is an instructor, himself a soldier, working in the same educational institution, and he is hurt just like the man who is a vocational employee?

Mr. BRENNAN. If he is an instructor working for the Veterans' Bureau he gets his relief under the Federal employees' compensation act.

The CHAIRMAN. Is this a Government school you are talking about?
Mr. BRENNAN. No; this is not. But if this instructor is working for the Government, getting his pay from the Government, he gets his compensation under the Federal employees' compensation act.

Mr. DENISON. That does not apply to men in the Army, does it?

Mr. BRENNAN. It applies to all employees of the civil service—all civil employees of the Government.

Mr. DENISON. Well, he would not be a civil employee.

Mr. BRENNAN. Well, he is not in the Army.

The CHAIRMAN. Well, say he is in the Army, and he is put in there as an instructor, and he has a soldier's pay.

Mr. BRENNAN. If he is in the Regular Army he is entitled, I presume, to the retirement benefits, if he is an officer, and whatever relief is awarded to men serving in the Army.

The CHAIRMAN. And your purpose would be to put the vocational man in the same status—

Mr. BRENNAN. No; I would not have him take the same status.

The CHAIRMAN. In connection with the same military institution?

Mr. BRENNAN. No. My idea is that this additional injury really grows out of his first injury. He would not be in the school if it were not for his first injury.

The CHAIRMAN. Neither would he be getting \$30 a month.

Mr. BRENNAN. No. Here is the thought, Mr. Winslow: I do not know of any other place where a man can be hurt in industry to-day or in training where he has no claim against somebody.

Mr. RAYBURN. You would not have the question of negligence enter into it—negligence on his part?

Mr. BRENNAN. I think you might include the usual qualifying clause that you put into all of these bills, that if the injury resulted from his willful misconduct or while he was under the influence of liquor, he should not be entitled to compensation.

The CHAIRMAN. You covered that, did you not, by applying it to the same conditions?

Mr. BRENNAN. Yes; I think that was the idea when I drafted the bill.

The CHAIRMAN. Whatever the conditions may be?

Mr. BRENNAN. Yes.

Mr. HUDDLESTON. Mr. Brennan, this bill does not require this injury to have been suffered as an incident to his training?

Mr. BRENNAN. No.

Mr. HUDDLESTON. Nor to have been proximately caused by it?

Mr. BRENNAN. The language used here should follow more closely the language of the workmen's compensation act so that it would specify that the injury must arise out of an in the course of his training.

Mr. HUDDLESTON. Would you make this provision analogous to ordinary workmen's compensation acts, or to employers' liability laws?

Mr. BRENNAN. I considered both of those, and I read over the Federal compensation act, and it did not seem to me that any of them could very well be made applicable.

Mr. HUDDLESTON. Which?

Mr. BRENNAN. Either the compensation act or the employers' liability acts.

Mr. HUDDLESTON. The difference in those laws is that the employers' liability laws place the liability upon some sort of negligence, either actual or presumptive, whereas the workmen's compensation law ignores the element of negligence altogether.

The CHAIRMAN. Mr. Brennan, if that man were to have the ordinary protection given under the employers' liability laws, he would be apt to get a definite fixed sum as an evidence of his damage, wouldn't he?

Mr. BRENNAN. Yes.

The CHAIRMAN. Now, suppose the injury should be of such a character as to totally disable him and he would get his fixed sum. Would you think he then ought to come back under his permanent disability and come in for increased compensation from the Government under the insurance act?

Mr. BRENNAN. You say he would get his fixed sum?

The CHAIRMAN. Yes; he would get so many thousands of dollars.

Mr. BRENNAN. From whom?

The CHAIRMAN. Well, from anybody who pays him, under the plan of the employers' liability law.

Mr. BRENNAN. This man gets nothing from anybody.

The CHAIRMAN. So he does under your provision.

Mr. BRENNAN. My bill would provide the only way for this man to get financial relief.

The CHAIRMAN. So he gets \$2,000 for his troubles? As under an employer's liability act; he gets so much money in his pocket, and that will be settled. How about that?

Mr. BRENNAN. Well, if there is any sort of a case where the trainee receives money from some other source it might be well to insert a proviso that that money should be deducted from the amount which he would receive as compensation.

The CHAIRMAN. I do not think I make myself clear. Suppose he got a definite sum of money, to illustrate, \$2,000, for the injuries received while he was taking vocational training, he would sign up for that, and the case would be dismissed?

Mr. BRENNAN. Pardon me: Receives \$2,000 from whom? From the Government, or from whom?

The CHAIRMAN. From anybody.

Mr. BRENNAN. Well, from Santa Claus?

The CHAIRMAN. Well, from anybody, under the law?

Mr. BRENNAN. Well, I do not understand whether you mean that he receives \$2,000 as a matter of right from the Government?

The CHAIRMAN. Under some sort of employers' liability?

Mr. BRENNAN. Well, there is no law at the present time under which he can—

The CHAIRMAN. Well, we will say there is a law as you propose. And he gets \$2,000 for his injury. And then it turns out that that injury puts him in the class, under the war risk insurance, of permanently totally disabled. Would you think he then would be classed as permanently totally disabled, under the war-risk insurance, and proceed to draw a lot more money than he ever could before?

Mr. BRENNAN. I certainly would not.

The CHAIRMAN. Well, but you are connecting up his vocational business in the line of military service.

Mr. BRENNAN. Yes.

The CHAIRMAN. Now, how would you connect up his injury in the line of military service, and put him back where he could get a reclassification?

Mr. BRENNAN. I have not made it clear, Mr. Chairman.

The CHAIRMAN. I am afraid I am the one who has not made it clear.

Mr. BRENNAN. Under the provisions of my bill, as proposed, this man would not get a lump sum of \$2,000, such as he might have obtained if you had an employers' liability act, or a workmen's compensation act. I have felt in drafting this bill that that would be an inappropriate way to handle the situation, and I have simply provided that if he does incur an additional disability it should be deemed that that was incurred in military service, and he should get that much more compensation. It will reopen his compensation case. If, for instance, he was, we will say, entitled to \$50 a month for having lost his left arm in the war, and he now loses his right hand in vocational training, he would have a right to come in and open up the case and be given an award of permanent disability, or whatever it would be.

Mr. HUDDLESTON. Total.

Mr. BRENNAN. Yes, total disability. He would not get any \$2,000, or any other fixed sum.

The CHAIRMAN. I see. But you would say that his case should be reopened?

Mr. BRENNAN. Yes.

The CHAIRMAN. And he would receive a compensation on the same plan and basis that he would have if he had actually received a like injury in a battle?

Mr. BRENNAN. That is the idea. Let me put a clear illustration. A man comes in, we will say, with his left arm cut off, to pursue vocational training. That man is able to earn a living for the rest of his days with his right hand. While taking up training which will help him to make a living with his right hand he loses his right hand or his right arm in that training. He comes out a total cripple, unable to earn a living, and the Veterans' Bureau is unable to give him an extra penny.

Mr. DENISON. You think they ought to go on and reopen the compensation?

Mr. BRENNAN. They certainly ought to, because that additional disability that makes him a total cripple for life and incapacitates him for any ordinary work has arisen and grown out of his military service.

Mr. DENISON. Well, of course, the bill ought to be amended so as to require that this additional disability be received as a direct or proximate result of the vocational training he is receiving.

Mr. BRENNAN. Absolutely. I think the usual language is "arising in the course of his training or employment," whatever it is.

The CHAIRMAN. Well, now, if a man should live for 40 years after being reclassified and his compensation doubled, he would get far and away more out of it than an

able-bodied man would get for the same injury under an employers' liability act, would he not?

Mr. BRENNAN. Yes; just as all of our soldiers get more than our civilian employees do; that is, the veteran legislation is more liberal than the legislation taking care of civil employees. But that is why I drafted this bill with the idea of saying that this injury was incurred in military service. He is a soldier. He is still in a sense a soldier pursuing training, which arose out of his military service.

Mr. DENSON. If he should get killed, Mr. Brennan, while he is taking training, then his widow would be, under your bill, entitled to receive full compensation?

Mr. BRENNAN. Yes.

The CHAIRMAN. Suppose we take as an illustration two men who are working at Leavenworth in a shop. One is a soldier who is in good health, working along at a lathe, and another is in there taking vocational training. Now, if the soldier at the lathe gets disabled, actually permanently disabled, he would have no benefits of the war risk. He would simply take the liability. But the other one, we will say, who is going through there as a vocational student, if he should be injured in the same way, would be immediately reclassified under the insurance act and therefore would be in a preferred class over his comrade in arms. And yet both of them are working in that same Leavenworth establishment.

Mr. BRENNAN. What is Leavenworth?

The CHAIRMAN. It is a big fort, a military establishment in Kansas. I am simply using this as an illustration. We will say they have a big carpenter shop there. They do everything there, and these two men that I cited as illustrations may be there side by side working in a shop belonging to the Government. Would you think it would be fair to establish a preference there for that vocational young man as contrasted with the other one, when it comes to the final adjustment of benefits?

Mr. BRENNAN. How does the other one happen to be there?

The CHAIRMAN. Well, he is a soldier on duty at Leavenworth, in the Regular Army, and he is working alongside of this other one learning the trade. Now, one settles under the liability act with the Government, and the other one does not. He goes back to the Veterans' Bureau, and he says: "I want my case reopened, and I want double the money that I have ever had before." And he gets it for forty years. And the other fellow would sign off, and he would be through at the end of six months. And he could whistle for his total disability, and the vocational fellow would have his case covered forever.

Mr. BRENNAN. Well, it is not true, Mr. Chairman, that we have cut down on what soldiers may obtain as a result of injuries sustained since the period of the World War? I mean with the termination of hostilities most of this legislation which benefits soldiers has been discontinued. In other words, if a soldier to-day suffered a disability as I understand the law he is not entitled to the same rights and remedies that he would have had during the war. Is that not true?

The CHAIRMAN. No, but you are going out into a new field, and you are stretching the advantages by establishing a benefit for the man who happens to be a vocational man. You are giving him a double benefit there. The other one has no such double benefit in case of a like accident. He gets no reclassification under the insurance.

Mr. BRENNAN. Well, he is in the military service, we will presume, with his eyes open. He knows what his rights are, and he goes in there assuming whatever risks may be there and understanding that he is entitled to whatever benefits flow from his service at the present time.

The CHAIRMAN. Yes, and the other fellow the same, whatever the law is.

Mr. BRENNAN. Yes. Now the other fellow is just beginning to wake up to the fact that he is entitled to no relief under employers' liability, workmen's compensation, or any other legislation; that he goes in to pursue his vocational training at his own risk without any benefit or relief whatever. Now, I don't know just what the Army man's relief is, but he is entitled to something.

The CHAIRMAN. Would you be satisfied then, Mr. Brennan, to have a provision in the law which would give him the same rights and the same benefits that any other man would have in industrial employment?

Mr. BRENNAN. In that State, for instance?

The CHAIRMAN. Well, omitting that feature; that he is still to be regarded as in service.

Mr. BRENNAN. Do you mean that he would have the same rights as any other man in industrial employment in that particular State?

The CHAIRMAN. Well, wherever the comparison is.

Mr. BRENNAN. Well, the only trouble with that is that you have 48 different laws, and you would have the Veterans' Bureau here required to look up the law in 48 States, and the man in New York would be given, we will say, a much more liberal

allowance than a man in Michigan, or vice versa, if you tried to adopt the law of the State as your criterion for compensation.

The CHAIRMAN. Then bring it down to this: Why should a man who is taking vocational training be treated any better in the case of injuries than a soldier of the United States under the direction of the Government would be entitled to under similar circumstances?

Mr. BRENNAN. Well, the vocational trainee goes in disabled. He is encouraged by Government literature, by the advice of the men in the Veterans' Bureau to take up training.

The CHAIRMAN. Yes; and the Army is whooped up by one of these sergeants who are scattered all over in every section of the country with pretty pictures, and the prospective soldier has visions of being sent to a place where he can lie under banana trees and everything else luxurious, and he is delegated to go to Hudson Bay, where they are growing icebergs.

Mr. BRENNAN. Well, he can not get into the Army unless he is an able-bodied man.

The CHAIRMAN. No; but this soldier is just as much an invalid with an arm cut off as the vocational training man with an arm cut off.

Mr. BRENNAN. But in one case you are inducing an able-bodied man to go into the service, which he does with his eyes open. In the other case you are inducing a cripple to go in. And I think when you have induced a cripple to go into training of some sort, and you send him out a worse cripple than he goes in, that you ought to do something.

The CHAIRMAN. Well, inducements are held out to men in trying to get them to join the Army. That you will take care of the men in the Army. "Enlist and go to school." The educational feature is one of the things that is held out to these men in endeavoring to get them to enlist. "Join the marines and learn a trade as you go along." And all these things.

Mr. BRENNAN. Well, I don't know just what Regular Army men are entitled to, but they are entitled to some relief and some benefit in case they are injured.

The CHAIRMAN. I agree with you.

Mr. BRENNAN. Now, I simply say that the vocational trainee is entitled to some relief, some fair benefit. I may have the wrong remedy here. I may be giving him too much, or I may be giving him too little. This is what I thought was the proper remedy. Now if your committee feels he is entitled to some other sort of remedy, to some other relief, that is all right, but he certainly ought to be given something for that extra arm he has lost. He should not be thrown out of Government training a total cripple, and with the message, "We can not do anything for you," which they have done in this case.

Mr. SWEET. Now, I agree with you that there should be some remedy provided here, and that you are presenting a very meritorious matter. But compensation under the war risk act is based wholly upon injuries or diseases contracted in the service in line of duty. And in our pension laws and all other laws in that particular we never have varied from that. Now it seems to me that, looking at it in a practical way, that this young man should be placed upon the same basis as a man following a civil occupation. And it would be better to reach that question from that standpoint rather than to complicate the war risk insurance act with an amendment of this kind. And giving a remedy here which is based upon those who were injured or have contracted some disease in the Army. And I might suggest this. I would like to have you look up the matter and see whether or not an amendment could be made to some existing Federal statute at the present time that would cover your present question. I feel that something should be done, but I do not feel that it should be done by amending the war risk insurance act and giving the benefit of that act to one who is engaged in a civil occupation.

Mr. BRENNAN. Well, I did look that up, Mr. Sweet. When I took it up with the Veterans' Bureau I received this reply, under date of June 9, 1922, from Colonel Forbes:

"Concerning the enactment of general legislation to provide for cases of this nature"—this is after he told me that the Veterans' Bureau could do nothing—"it suggests itself to me that a possible solution might be to provide the same benefits in case of injury by accident to trainees as is provided under the present employees' compensation act where injury occurs to civil employees of the Government. However, the enactment of this or any other measure is a question of policy for the determination of the Congress."

Then I looked up the employees' compensation act, and I thought I had a copy of it with me, but I have not. And it did not seem to me to be applicable for the reason that the rates of compensation are different, and we must understand then that each one of these men already is entitled to compensation.

Now the question is, should he be given this additional compensation as though he were receiving nothing previously, or is he to be awarded only the amount that a civil employee would have gotten, and will that be his entire award? Now, I think the maximum under the employees' compensation act is \$66 a month, or something like that. So we might conceive a case where a man would get less compensation after his second injury, if you apply that schedule, than he was entitled to for his first injury under the veteran legislation.

Mr. SWEET. Well, now, would not that be just in the light of the fact that one was an injury contracted in the Army, and the other was an injury contracted in civil life? Would not that be consistent? And, too, following that, the Government is providing this vocational training, and, of course, does not expect that accidents will occur; but accidents do occur, and when one does occur he should have a remedy, because he has been injured in civil life, so to speak.

Mr. BRENNAN. Well, if you could work out some fair measure of damages or compensation based on that law I certainly think it ought to be done. But I certainly think it ought to go into this bill, because it affects veterans. If you get before the other committees, they will say, "These men are not civil employees. They are veterans. It is up to the Committee on Interstate and Foreign Commerce to take care of them in their bill. If they want to give these veterans the status of civil employees, that is up to them, but it is a veteran matter." The bill is referred to this committee. I do not think that it ought to be shunted off on the theory that these men are civil employees, because they are not. And I certainly think that this committee now, in view of the fact that Congress is going to adjourn shortly until next December, ought to do something to take care of cases like this. There are not so very many of them that occur, but when a man is injured in that way, as this man was, there should be a means provided for taking care of him.

Mr. SWEET. Would you be satisfied if it was brought under what is known as the Federal compensation act, by an amendment to this act?

Mr. BRENNAN. I would like to have you look into it and see just how that would work out. I do not see how it would be appropriate.

Mr. SWEET. And you thought that the amount to be paid also was inadequate?

Mr. BRENNAN. Yes. You see, the Federal compensation act runs upon the theory that the employee is not receiving any other compensation. This veteran is already entitled to compensation, to something: \$30 or \$40 a month.

Mr. SWEET. Yes; and in a much larger amount, proportionately, than the man who is simply an employee of the Government.

Mr. BRENNAN. Yes. Now, the point is, if for his second injury he is to be given compensation as a civil employee, it might be in many cases that that compensation would be less than what he was entitled to for his first injury under veteran legislation.

Mr. SWEET. Yes; but he would still be drawing for his first injury, because that would not be changed, and then he is drawing for this injury in civil life; that would be additional compensation.

Mr. BRENNAN. Well, that would be all right. If just some fair method of taking care of him is arranged, for giving him relief for that additional injury, so that he will not be sent out without anything.

The CHAIRMAN. You understand this committee in its desire to do the right thing by the veterans, and in its anxiety to do the right thing by the veterans, must be very careful to see that it does not do any injustice to any other citizens. It would not do for us simply to make up a line of benefit for part of our people. We have got to look after the interests of the rest of our people at the same time.

Mr. BRENNAN. I do think that these wounded veterans are in many cases induced against their own better judgment to go into training. I think a great majority of them are persuaded to enter the training against their own better judgment.

Mr. NEWTON. Under section 2. That is certainly not my experience in conversation with the officers of district No. 10.

Mr. BRENNAN. It is my experience from conversation with men who have come into my office and told me that they did not want to study this, or they did not want to study that, and somebody told them they ought to do it, and so on.

Mr. NEWTON. Well, that is as to whether they should go into a particular course of training, but it has been my experience that men who have 10 per cent handicap, 10 per cent disability, and are only entitled to \$8 under compensation, want to get into training in order to get the \$100 maintenance money.

Mr. BRENNAN. Yes.

Mr. NEWTON. And that is what the vocational officers have to contend with all the time.

The CHAIRMAN. To use a somewhat extreme suggestion, Mr. Newton, but not too far-fetched: It has been my experience that every blacksmith wants to study some

science that will take him 10 or 15 years, and every lawyer wants to learn the railroad business.

Mr. BRENNAN. Well, I do not want to take up too much of the time of your committee. I think you understand the proposition. I am perfectly willing to leave it in the committee's hands to treat in such way as you think best, but I do think some provision ought to be made.

There is just one other proposition that I would like to explain very briefly. This is covered by H. R. 13126, and it is to take care of a situation which I took up with Mr. Cooley one time at the Veterans' Bureau, and I have an opinion on it from the bureau. I can explain this best also by an illustration.

A soldier took out \$10,000 war-risk insurance during the war. He was engaged to be married and wanted to take out his insurance in the name of his fiancée, to name her as the beneficiary, but he was told that he could not do so under the law. So he named his mother as the beneficiary. He then went to the war and came back and married. He let his entire \$10,000 policy lapse. After he was married his wife said, "I think we ought to revive some of that insurance." Well, they could not afford to revive the entire \$10,000, so they revived \$2,000, and he named his wife as beneficiary of that \$2,000; \$8,000 was gone. He died. The wife was paid the \$2,000 insurance, and they forgot about the \$8,000 until the Sweet bill came along, and it was found that this man during his lifetime was entitled to compensation which was never paid him, and under section 408 of the Sweet Act his compensation amounted to more than the premiums due on the \$8,000, so the \$8,000 was revived.

Well, the question then arose: Who should it go to? And the Veterans' Bureau ruled that it should go to the mother because she had been the originally named beneficiary. Well, now, the wife said, "It should go to me because my husband clearly indicated that I should be the beneficiary when he named me for the \$2,000, which was all of the insurance that he could afford to carry after we were married," and she said that "that indication of intention as to the \$2,000 should apply to all insurance that he is entitled to which is created by revival." Now, the Veterans' Bureau said, "Well, that may be all well and good. It sounds logical." But under the particular wording of the act the word "beneficiary" is so used as to compel the bureau to give it to the mother in this case.

Mr. NEWTON. Have they made payments to the mother under it?

Mr. BRENNAN. They have made payments to the mother under it, yes. Now, of course, there are other cases where this is reversed—where it is the wife that gets the benefit instead of the mother, and so on. But the purpose of my bill is in substance to provide that, where part only of the lapsed insurance is revived, and later under this section 408 the remainder of the insurance is brought to life, all of the insurance shall go in accordance with the intention of the deceased, as indicated when he revived part of his insurance. It seems to me that that is his last word on the subject. This man had no idea when he was reviving the \$2,000 that the Government would ever present his beneficiary with an additional \$8,000. No legislation was passed after his death. Now, should not that insurance go according to the way he wanted it to go, and should not we try to read his intention from his own acts and from his expressed intention when he revived his insurance? I understand that there are something like 25 cases, Mr. Cooley told me, that are similar to this, in which the insurance is being paid apparently against the intention of the veteran.

Mr. NEWTON. It does not mean, then, that as to part the Government would be called upon to pay it twice?

Mr. BRENNAN. No. This is what it provides:

"Provided further, however, That if any soldier, coming within the provisions of the last preceding proviso—"

That is the one, section 408, where the compensation exceeds insurance premiums and revives dead insurance—

"converted a portion of such lapsed insurance into United States Government life insurance (converted insurance) and named in the application for such converted insurance a beneficiary or beneficiaries different from the beneficiary named in the lapsed insurance policy, and if, upon the death of such soldier, the remaining unconverted portion of the lapsed insurance is revived under the provisions of the last preceding proviso, then it shall be deemed that the beneficiary or beneficiaries of such remaining portion of such lapsed insurance shall be the person or persons named in the application of such soldier for converted insurance, and such person or persons shall be entitled to the proceeds of such remaining portion of such lapsed insurance, and the Veterans' Bureau is hereby authorized and directed to pay to such person or persons the amount of such proceeds, less premiums and interest thereon, as above provided, in the same proportion as such persons are entitled to receive the proceeds

of the United States Government life insurance so converted: *Provided*, That the provisions of this amendment shall not be deemed to affect the rights of beneficiaries to payments due prior to the time this amendment takes effect, but this amendment shall apply to all payments hereafter due under the provisions hereof, whether the lapsed insurance was revived prior to or subsequent to the time when this amendment takes effect."

In other words, we can not take away from the mother in this case the money she has already received. We do not want the Government to pay it twice, and so I have simply added a proviso that it shall not affect the rights of beneficiaries to payments made in the past, but only those in the future.

The CHAIRMAN. Are there any other questions to ask of Mr. Brennan? Have you finished finished your statement, Mr. Brennan?

Mr. BRENNAN. Yes.

The CHAIRMAN. If there are no further questions we will adjourn this hearing until 10 o'clock to-morrow morning.

(Thereupon, at 12:40 o'clock p. m., an adjournment was taken until 10 o'clock a. m. of the following day, Friday, February 2, 1923.)

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE,
HOUSE OF REPRESENTATIVES,
Friday, February 2, 1923.

The committee met at 10 o'clock a. m., pursuant to adjournment on yesterday, Hon. Samuel E. Winslow (chairman) presiding.

The CHAIRMAN. The committee will come to order. We will hear this morning Mr. Wurzbach on his bills. You may proceed, Mr. Wurzbach, if you are ready.

**STATEMENT OF HON. HARRY M. WURZBACH, A REPRESENTATIVE
FROM THE STATE OF TEXAS.**

Mr. WURZBACH. Mr. Chairman and gentlemen, this is H. R. 12555 that was referred to this committee. This bill proposes a change in section 408 of the war risk insurance act, as amended by the act approved August 9, 1921, by striking out the words "from said wounds or disease" in line 22, page 11, of Public Law 47, amending the line to read as follows: " * * * has since died without collecting or making * * * " the section when amended to read as follows: " *Provided further*, That where any soldier has heretofore allowed his insurance to lapse while suffering from wounds or disease suffered or contracted in line of service, and was at the time he allowed his said policy to lapse entitled to compensation on account thereof in a sum equal to or in excess of the amount due from him in premiums on his said insurance, and has since died without collecting or making claim for said compensation, or being allowed to reinstate his said policy on account of his physical condition, then and in that event said policy shall not be considered as lapsed, and the Veterans' Bureau is hereby authorized and directed to pay to the beneficiaries of said soldier under said policy the amount of said insurance, less the premiums and interest thereon at 5 per cent per annum, compounded annually, in installments as provided by law."

Under existing law the words "from said wounds or disease" limit the right. Now, this bill proposes to strike out those words "from said wounds or disease."

Now, Mr. Sweet's bill follows almost the exact language of existing law. That is, section 408, and in order to comply with this amendment proposed the words "from said wounds or disease" would be stricken out.

Now, in order to show the operation of existing law, I had the case of a young man who was in the service, who first went in as a private, and took out \$5,000 insurance. He was later promoted to corporal or sergeant and increased his insurance to \$10,000. He was honorably discharged, and he died—I think it was in December, 1921—and permitted his insurance policy to lapse. The Veterans' Bureau allowed the compensation after his death, allowing him 10 per cent partial permanent disability from the date of his discharge continuously until his death. Now, at the time the policy lapsed the Government was, in fact, indebted to him in an amount greater than was owing on his policy. Under existing law under this section just read the lapse of the policy is prevented if the Government owed the soldier an amount equal to the amount of the premium due on the policy, but provides that that shall only be true where the insured dies from wounds or disease contracted in the service.

I do not see any good reason why that limitation should be placed upon it, and I think the Veterans' Bureau takes that same view, because when I took the matter up, after their decision in the case, they agreed with me that there was no good reason

to limit that right to a case where an insured died from injuries or disease contracted in the service. The justice of the whole thing is based on the fact that the Government owed the man more than he owed the Government.

I think it ought to be kept in mind that it was not only the policy of the Government to induce men that went into the service to insure themselves against death during the war, but it was just as much the policy of the Government to encourage the insured to continue their insurance after the termination of the war and during the rest of their lives.

Mr. HUDDLESTON. Did this young man claim compensation?

Mr. WURZBACH. No; he did not.

Mr. HUDDLESTON. That would be another reason, in addition to the one you mentioned—

Mr. SWEET (interposing). He must have filed a claim in this case, because he had a claim allowed.

Mr. WURZBACH. His executor filed a claim, and it was allowed.

This is a letter written to me by the Director of the Veterans' Bureau (reading): "Replying to your favor of August 2, relative to the case of the above-mentioned deceased soldier, you are advised that after a careful review of all the evidence in this file by the central office board of appeals, it has been held that the claimant was disabled to the extent of temporary partial 10 per cent from date of separation from active to the date of his death and that the disability (bayonet wound of right arm) was incident to service."

They found, of course, that these injuries were incident to the service.

Mr. SWEET. I think you will find in that case that he filed his claim, and it was in the process of adjudication when he died. It must have been that way.

Mr. WURZBACH. Possibly. The letter continues (reading):

"It has been further held that the cause of death, lobar pneumonia, was not connected with military service."

Of course, there was an issue on that. There was a claim that he had been wounded, and that this death was traceable to the injury so sustained—I don't know just the process, but I do not think he was able to make that proof. But, as a matter of fact, he was allowed compensation for this sword wound received during his service.

The letter continues (reading):

"Insurance in this case therefore is not payable under section 408 of the war risk insurance act, for the reason that, although at the time of the soldier's death there was sufficient compensation due him to pay all back premiums, his death resulted from a disability which was not connected with his military service."

"An accrued award of compensation is to-day being approved in favor of Juan Galvan, administrator of the estate of the deceased, covering all payments of compensation due the estate."

Mr. HUDDLESTON. He had evidently filed a claim during his life.

Mr. WURZBACH. Yes. Now, I understand there are a few other cases that were refused on the same ground, but there does not seem to me to be any good reason why that limitation is placed upon the law. That is, that the death must have resulted from injuries or from sickness contracted in the service. I think the main fact that is important is the fact that at the time this policy lapsed the Government was, in fact, indebted to him in an amount at least equal to the amount of the premium. And the bill that I have offered proposes to strike out those three or four words. I do not think that it will take in any more than a few cases, and as I said a while ago, keeping in mind the fact that the policy of the Government was to induce soldiers to keep up their insurance, not only during the war, but after the war, I do not see that any particular favor should be shown in cases where the death resulted from injuries sustained in the war, so long as the Government was in fact indebted to the man.

Now, I also have H. R. 13581, with reference to allowing hospitalization for veterans of other wars. That includes the Spanish-American veterans. Of course I understand that under the existing law veterans are entitled to hospitalization for tuberculosis or neuropsychopathic cases. This bill proposes that where a man is drawing a pension—for instance a Spanish-American War veteran or the veteran of any war, in addition to the World War veteran—if his pension is based upon injuries received in the service—I made that limitation because I was afraid, unless that limitation was placed upon it, it would be proposed to broad—that they shall have the right of receiving treatment in the Veterans' Bureau hospitals.

I have in mind the case of a man who lost his leg and who is drawing a pension under a private bill who is entitled to an artificial leg, I think, every three years. Now, on account of his being required to go to one of these regular hospitals he is forced to travel from San Antonio to New Orleans, a distance of 500 or 600 miles, to have his leg fitted and to have the stump of the leg attended to. Now, the Govern-

ment pays his traveling expenses and Pullman accommodations, but does not pay him for the time that he is at his destination being treated. In the interest of the soldier, and also in the interest of the Government, the Government having to pay this sum of money for transportation, I think it would be advisable in that class of cases to permit these veterans to receive that kind of treatment or any other treatment in the Veterans' Bureau hospital. And that is the purpose of this bill.

The CHAIRMAN. Is that all of your statement about these bills, Mr. Wurzbach?

Mr. WURZBACH. Yes; that is about all, Mr. Chairman.

The CHAIRMAN. If that is all, we are much obliged to you for your statement.

The CHAIRMAN. Is the representative of the Coast Guard here? Admiral Reynolds, do you wish to make a statement?

Admiral REYNOLDS. Yes, sir; Mr. Chairman.

The CHAIRMAN. Will you make any statement you choose, and have any others you wish to speak at this time?

Admiral REYNOLDS. Thank you, Mr. Chairman.

STATEMENT OF ADMIRAL W. E. REYNOLDS, COAST GUARD SERVICE.

Admiral REYNOLDS. Mr. Chairman and gentlemen, it was undoubtedly the intention of Congress to give all the benefits accruing from the war risk act to the members of the Coast Guard at all times, the Coast Guard being one of the military services of the United States. That is recognized completely in articles 1 and 2 of the original act. But in articles 3 and 4 it is so qualified as to give the benefits of the act only to those who are in active service under the War Department or the Navy Department.

On August 28, 1919, the Coast Guard ceased to function under the Navy Department, and was returned to the Treasury Department by Executive order. The comptroller has held that there are certain benefits given in the act which, therefore, do not now apply to the Coast Guard and have not applied since the Coast Guard was returned to the Treasury Department. We would like very much to have an additional section in the bill before you which will correct the inequality.

The CHAIRMAN. The substance of your suggestion is that the privilege which would be applied to anybody connected with the Navy Department in consideration of services during the war should be extended to the Coast Guard?

Admiral REYNOLDS. Yes, sir.

The CHAIRMAN. In all particulars?

Admiral REYNOLDS. In all particulars, even though the Coast Guard has ceased to act under the Navy Department.

The CHAIRMAN. Yes.

Admiral REYNOLDS. And we have prepared a section which we would like to submit to the committee to be attached to the bill; and Lieutenant Yeandle has a number of copies, which he will be glad to distribute to the committee, and I submit a copy for the record.

The CHAIRMAN. Without objection it will be inserted.

(The amendment proposed is as follows:)

"Sec. 14. That there is hereby added to the war risk insurance act a new section to be known as section 415 and to read as follows:

"Sec. 415. That the provisions of Articles III and IV of the war risk insurance act, and of amendments thereto, which apply to the officers and enlisted men of the Coast Guard when employed in active service under the Navy Department, and to their dependents, shall apply to the officers and enlisted men in the active service of the Coast Guard, and to their dependents, whether the Coast Guard be operating under the Navy Department or under the Treasury Department:

"Provided, That any officer or enlisted man in the active service of the Coast Guard who, heretofore, has not had the privilege of making valid application for insurance under the war risk insurance act, shall be allowed one hundred and twenty days from the date of approval of this amendment, but before discharge or resignation, within which to make written application for such insurance and to make payment of first premium thereunder to the United States Veterans' Bureau:

"Provided further, That with respect to compensation for death or disability, this section shall be deemed to be in effect as of August 28, 1919, except in cases where payment on account of death in the service has been made under the provisions of section 3 of the act entitled 'An act to increase the efficiency of the personnel of the Life Saving Service of the United States,' approved March 26, 1908, and of section 3 of the act entitled 'An act to create the Coast Guard by combining therein the existing Life Saving Service and Revenue Cutter Service,' approved January 28, 1915."

The CHAIRMAN. Is this anything that the committee need take up with the department and inquire about?

Admiral REYNOLDS. I think not.

Mr. RAYBURN. Mr. Chairman, I would like to ask a question, if I may.

The CHAIRMAN. Certainly.

Mr. RAYBURN. Of course, this insurance is a dead thing, so far as any men going into the service now is concerned?

Mr. SWEET. No; you are mistaken about that, Mr. Rayburn. That only applies to compensation. They are not entitled to compensation, but as to the insurance, they can still make application for insurance, and insurance is granted.

Mr. RAYBURN. Now?

Mr. SWEET. Now.

Mr. RAYBURN. I thought we passed a bill to stop that.

Mr. SWEET. No; we passed a bill to take care of other matters, but we did not include article 4.

Mr. RAYBURN. I thought we put them all in, and stopped this whole business, so far as the Army was concerned.

The CHAIRMAN. Are there any other questions you care to ask the Admiral?

Mr. SWEET. Yes, Mr. Chairman; I would like to ask a few questions.

Now, under article 1, section 1, the benefits of that section, under the language as used there, "military and naval insurance"—under that wording you include the Coast Guard, as you view it?

Admiral REYNOLDS. Yes, sir.

Mr. SWEET. Under article 2 the language used is "military or naval forces of the United States." That includes the Coast Guard?

Admiral REYNOLDS. That includes the Coast Guard.

Mr. SWEET. And that includes the Coast Guard, whether it was transferred to the Navy or whether it was under the Treasury Department?

Admiral REYNOLDS. We so construe it.

Mr. SWEET. You so construed it, and it has been so construed by the Comptroller General?

Admiral REYNOLDS. Yes, sir.

Mr. SWEET. Now, when you come to article 3, the language used there is "commissioned officer or enlisted man, or by any member of the Army Nurse Corps (female), or of the Navy Nurse Corps (female) when employed in the active service under the War Department or Navy Department?"

Admiral REYNOLDS. Yes, sir.

Mr. SWEET. And the words "War Department or Navy Department" as you view it, do not include the Coast Guard?

Admiral REYNOLDS. No; and serving under the Navy does not include the Coast Guard since August 28, 1919.

Mr. SWEET. But when the Coast Guard was transferred to the Navy Department, during the time they were under the Navy Department it has been construed that they were a part of the Navy and, therefore, entitled to the benefits of the act.

Admiral REYNOLDS. They did receive the benefits of the act during that time.

Mr. SWEET. And those that are now under the Navy Department are receiving the benefits of the act?

Admiral REYNOLDS. None of us is under the Navy Department now.

Mr. SWEET. But you took out insurance while in the Navy Department?

Admiral REYNOLDS. Yes, sir.

Mr. SWEET. And that insurance is still in force, notwithstanding you are under the Treasury Department now in the Coast Guard?

Admiral REYNOLDS. Yes; but we are not permitted to take out new insurance, and have not been permitted to take out new insurance since August 28, 1919.

Mr. SWEET. And the amendment you propose now is simply that you should have the benefits of the insurance provided by article 4 of the war-risk insurance act?

Admiral REYNOLDS. Yes, sir; and the benefits of article 3.

Mr. SWEET. And you have done that, I suppose, by using the words "Military Establishment"? You use the words "Coast Guard," and are specific?

Admiral REYNOLDS. No matter under what department the Coast Guard may be operating, it should receive the benefits of the war-risk insurance act.

Mr. SWEET. That is what I mean, no matter under what department the Coast Guard may be operating, it will receive the benefits of the insurance?

Admiral REYNOLDS. Yes, sir; and the benefits of—

Mr. HUNDEBON. Admiral Reynolds, I am not sure that I understand just what is contemplated by your proposed amendment. Am I correct in my understanding that the Coast Guard—the entire body of the Coast Guard—received the benefits of the war-risk act as to allotments, compensation, and insurance for a certain period?

Admiral REYNOLDS. Yes, sir.

Mr. HUDDLESTON. And that period ended when?

Admiral REYNOLDS. August 28, 1919, when the Coast Guard left the Navy Department and was returned to the Treasury Department.

Mr. HUDDLESTON. And those benefits were suspended as to the Army and Navy on what date, do you recall?

Admiral REYNOLDS. As to the Army and Navy?

Mr. HUDDLESTON. Yes.

Admiral REYNOLDS. I do not think they are suspended.

Mr. HUDDLESTON. Except as to the insurance?

Admiral REYNOLDS. I do not know that, sir.

Mr. HUDDLESTON. What date was that, Mr. Sweet?

Mr. SWEET. My recollection is that that went into force and effect six months after the 9th day of August, 1921.

Admiral REYNOLDS. February 9, 1922.

Mr. HUDDLESTON. So that what you are seeking to do is to put the Coast Guard on an equality with the Army and Navy for this period from August 9, 1921, to February 9, 1922?

Admiral REYNOLDS. For that period, and also for the insurance feature which is in existence.

Mr. HUDDLESTON. Now, what would you do with the Coast Guard on that date? That is to say, for disabilities incurred in service after that date, where would the enlisted personnel look for relief?

Admiral REYNOLDS. They have certain laws which apply to the enlisted personnel now, but they are not permitted to come under the benefits of the insurance which is provided by this act.

Mr. HUDDLESTON. I refer to compensation for their injuries. They have a special retirement system?

Admiral REYNOLDS. Yes; we have a retirement system.

Mr. HUDDLESTON. To which the enlisted personnel is remitted for relief for all disabilities incurred in service?

Admiral REYNOLDS. Yes, sir.

Mr. HUDDLESTON. And the enlisted personnel and the officer personnel also of both Army and Navy and Marine Corps are now remitted to the pension system?

Admiral REYNOLDS. Not in the Coast Guard; but we have a retirement system.

Mr. HUDDLESTON. I am not speaking of the Coast Guard now, but these other services. The Coast Guard are remitted to the retirement system?

Admiral REYNOLDS. Yes, sir.

Mr. HUDDLESTON. The retirement system is more advantageous than the pension system?

Admiral REYNOLDS. Well, we do not consider it more advantageous on the whole, but it is a very good system.

Mr. HUDDLESTON. You would object to having the Coast Guard placed on the pension system on an exact equality with the Army and Navy, would you not?

Admiral REYNOLDS. I would prefer to have the law remain as it is so far as the retirement is concerned.

Mr. HUDDLESTON. Now, if your status since February 9, 1919, is to be different from the Army and Navy, what real reason is there for your status for the period back to August 9, 1921, to be upon an equality with them? Why should you not look to your retirement system prior to February 9, 1922, as you were not in the war and were not carrying on any war? You were not under the jurisdiction of those branches of the service. You performed the same service you are performing now.

Admiral REYNOLDS. Well, we think we have an equal right to share the benefits of this legislation with the others. The other matter is not in question at this time.

Mr. HUDDLESTON. And your right would also be equal under the pension system to which the Army and Navy are now remitted. And if you have a more advantageous retirement system—and from the slight knowledge I have of it I am strongly of the impression it is a more advantageous system—I am wondering how you can consistently insist on that retirement system now but decline it for the period from August 9, 1921, to February 9, 1922.

Mr. SWEET. That was the 9th day of February, 1922.

Mr. HUDDLESTON. Although during that period you were not in this service, but were performing exactly the same service you are performing now?

Admiral REYNOLDS. Well, we ceased to have the benefits of the insurance, and most of the other benefits, on August 28, 1919.

Mr. HUDDLESTON. This situation appears to illustrate what appears to me to be an evil, as I have consistently said—that is, one public service getting some advantage of

some kind and holding to it, and then all the other services using that fact as a lever in trying to get on an equality, the practice working like a ratchet and going forward all the time to the expense of the Government—a very great expense. If any advantage is given to one service all the other services claim it at once, and yet no service is ever willing to surrender any advantage they may have previously enjoyed, although such service is put back on an old basis. That situation seems to illustrate that trouble very well.

Admiral REYNOLDS. That, Mr. Huddleston, is eliminated in the act itself, which, in section 312 provides, "That compensation under this article shall not be paid while the person is in receipt of service or retirement pay."

So, if they are under retirement pay, the compensation would be eliminated.

Mr. HUDDLESTON. But I am looking further, and, to the justice of it. Everybody that comes before us, Admiral, asks us to do something for their group or their constituents at the expense of the Government. If some one should come here and ask us to do something for the Government's advantage I imagine the committee would all drop dead. We are entirely without support.

The CHAIRMAN. That demonstrates the wisdom of their not following your suggestion, Mr. Huddleston.

Mr. HUDDLESTON. What?

The CHAIRMAN. That the members of the committee would all drop dead.

Mr. HUDDLESTON. If some one would come to us and gradually present such a suggestion, we could accustom ourselves to it, and we would be able to stand the shock.

The CHAIRMAN. Are there any further questions? [After a pause.] Is there anything further, Admiral, or is there anyone else to speak in your behalf?

Admiral REYNOLDS. If the committee is willing, I would like to have Lieutenant Commander Billard speak briefly to the committee.

The CHAIRMAN. The committee will be glad to hear Lieutenant Commander Billard.

STATEMENT OF LIEUT. COMMANDER F. C. BILLARD, OF THE COAST GUARD.

Lieutenant Commander BILLARD. Mr. Chairman, we wanted to call the attention of the committee to a peculiar situation as to the way the war risk insurance act now affects the Coast Guard, and particularly to point out that we are not asking anything new for the Coast Guard under this act, but simply for a revival of the privileges the Coast Guard had up to August 28, 1919. We think the intent of Congress was that those privileges should continue.

We feel that that was the intent of Congress for these reasons: In article 1 it is particularly stated that the "military and naval forces," which term runs through the act, means the Coast Guard. It is also stated that the term "commissioned officer" and the term "enlisted man" which run all through the act, refer to those in active service in the military or naval forces. So that any one reading article 1 would feel assured that the Coast Guard was fully covered for all time throughout the act.

But when you turn to article 3 you find a limitation inserted reading "when employed in the active service under the War Department or Navy Department." That limitation immediately follows "Army Nurse Corps (female) or Navy Nurse Corps (female)," and in my opinion that limitation was intended to apply solely to those nurses. But the opinion of the comptroller of the United States has been that that limitation reverts back to the words "commissioned officer or enlisted man." Under that construction the benefits of the article for the personnel of the Coast Guard ceased as of August 28, 1919.

The same limitation is found in the beginning of article 4. In section 300 as amended by the act of December 24, 1919, the presence of a comma after the words "enlisted man" would seem to stress the fact that the limitation applied only to the nurses, and not to the words some distance back, "commissioned officer," and "enlisted man." In any event, the comptroller having ruled that the limitation applies to the "commissioned officer" and "enlisted man," the Coast Guard ceased to receive any of the benefits of articles 3 and 4 of the act on August 28, 1919.

Mr. SWEET. That was the time the Coast Guard was transferred back to the Treasury Department?

Lieutenant Commander BILLARD. Yes; by Executive order.

Mr. SWEET. Where you are now?

Lieutenant Commander BILLARD. Yes, sir. So there is this peculiar situation, that the men in the Coast Guard enjoy the privileges of articles 1 and 2 but they are not now privileged to enjoy any of the benefits of articles 3 and 4, on account of that limitation.

Now, what are the benefits of articles 3 and 4? A man in the Army or Navy to-day can apply for insurance. If two men enlist at the same time, one in the Coast Guard

and the other in the Navy, they will receive exactly the same pay and have possibly the same rating and the same laws, generally speaking, apply to them both. But the man in the Coast Guard goes up to his officer and says, "Now, I have enlisted, and I am ready to take out insurance." The officer will reply, "My boy, you can not take out insurance." The man may say, "Why, my brother who enlisted at the naval station has taken out insurance, and my other brother who enlisted in the Coast Guard in August, 1919, took out his insurance, so why can not I?" The answer is to be found in the limitation referred to and its interpretation by the comptroller.

What we are particularly interested in is not these men on the retired list, because they are shut off from compensation by the language of the act itself as Admiral Reynolds has just read. They are not allowed to get it while in receipt of retirement pay. But we are concerned with the men in civil life who have left the service and are suffering from injuries received while in the Coast Guard and subsequent to August 28, 1919. If their injuries are traceable to service while under the Navy Department, they are all right, but if their injury is traceable to something that happened after August 28, 1919, they have no compensation.

Mr. HUDDLESTON. Are they not on the retirement list?

Lieutenant Commander BILLARD. No, sir; I am referring to a man who had gone out into civil life.

Mr. HUDDLESTON. A man who has gone out but was disabled while in the Coast Guard, is he not entitled to some compensation?

Lieutenant Commander BILLARD. If a man went on the retired list, he would be shut off from this compensation. But we have several hundred claims from men who—

Mr. HUDDLESTON (interposing). A man who is disabled, while in the Coast Guard Service, I mean, is he not entitled to compensation?

Lieutenant Commander BILLARD. We have several hundred claims from men who claim they were disabled and are disabled by injuries suffered after August 28, 1919. Those men are not on the retired list, because their disabilities never developed before discharge. Now, whether all those claims are valid or not, I am not able to say, but they are coming in rapidly, at the rate of three a day, I am told.

Mr. HUDDLESTON. That applies to men not found to be disabled while in the service but subsequently?

Lieutenant Commander BILLARD. Yes; which they allege is attributable to the service.

Mr. HUDDLESTON. And they have no benefits?

Lieutenant Commander BILLARD. None at all.

Now, this amendment we propose, we have prepared after some considerable study, and our thought is simply this: That as the war risk insurance act applied to the Coast Guard while it was under the Navy Department, we ask that it apply to the Coast Guard at any and all times. That is the whole situation.

The CHAIRMAN. Are there any further questions?

Mr. HOCH. If that limitation to which you have referred, following that phrase "with reference to Army and Navy nurses," were changed to read "such" or "said," so that it would read, "while such nurses" or "while said nurses were serving in the Army or Navy," would not that cure most of the trouble, except this insurance?

Lieutenant Commander BILLARD. It would, Mr. Hoch. We thought of that, but we found it a little difficult to draft the language, and the whole war risk insurance act is so involved that we were afraid we would throw a monkey wrench into some other part of the machinery if we tried it.

Mr. HOCH. If you are correct in what the intention of Congress was, the simplest way would be to change that.

Lieutenant Commander BILLARD. Of course, I have no right to say what the intent of Congress was, but, taking the spirit of it, I assume that is what the intent of Congress really was, as I have stated. But we found it rather difficult to suggest language to correct the matter simpler than we are submitting.

Mr. HUDDLESTON. Is the Coast Guard a military or a civilian service?

Lieutenant Commander BILLARD. It is a military service, under the statutes.

Mr. HUDDLESTON. If it be military service, the members of it are entitled to the same compensation and benefits as the other members of the military service.

Lieutenant Commander BILLARD. They should be, but are not under the act.

Mr. HUDDLESTON. That seems to be the equity on which your proposal is based.

Lieutenant Commander BILLARD. It is based on the fact that Congress has granted this benefit to the Coast Guard, but through a decision or ruling or whatever you may call it, it was taken away on the 28th of August, 1919.

Mr. HUDDLESTON. Well, if your service became a civilian service, after the members of it had been relieved from the control of the naval and military authority to the civilian service, there would be no basis upon which they could insist on the same

protection as members of the Army and Navy; but if it remained a military service the mere release from the Navy or Army control would not lessen their right to the same protection we give to the other arms of the military service.

Lieutenant Commander BILLARD. The military status of the Coast Guard does not change one iota, depending on what department it may be operating under, because the law itself contemplates it shall operate under either one or the other.

Lieutenant Commander BILLARD. Yes; we are referred to specifically in the statute as a part of the military service, and the Attorney General has ruled that our men fall within the category "soldiers and sailors of the United States."

Mr. SWEET. And the fact is that the service in the Coast Guard is more strenuous in times of peace than the Army service is in times of peace.

Lieutenant Commander BILLARD. I think there is no question about that.

Mr. HUDDLESTON. But that does not really affect this question. That is merely sentimental.

Lieutenant Commander BILLARD. Yes, sir.

Mr. JOHNSON. I want to ask you a question: Are you in favor of giving the Coast Guard the same privileges that are given to the Navy and to the Army, according to the war risk insurance act and the Veterans' Bureau act, is that your contention?

Lieutenant Commander BILLARD. The act is so complicated, Mr. Johnson, that I do not want to take a position with respect to all its features. In this act the Congress gave the Coast Guard certain benefits, along with the Army and Navy. We feel we are entitled to those benefits, as much while operating under the Treasury Department as we are while operating under the Navy Department.

Mr. JOHNSON. And you think that those men who have been separated from the Coast Guard Service and whose discharge shows that they were in good health should now be permitted, after two years or three years or four years, or such time as has elapsed, to file a claim as if he paid for the injury or for a physical disability incurred; do you think they ought to do that?

Lieutenant Commander BILLARD. If that is legal and proper under the war risk insurance act now, I think it ought to apply to those men who were in the Coast Guard. In other words, if a man discharged from the Navy under the conditions you have outlined be entitled to make application, I think under the spirit of the act these men discharged from Coast Guard men should be entitled to make it.

Mr. JOHNSON. You make that statement then, not because you believe it ought to be done as a matter of right, but because the Army and Navy are getting it you think the Coast Guard ought to get it?

Lieutenant Commander BILLARD. Oh, I would not care to say that. I would say, sir, that I am not really competent to speak on that proposition, because I am not sufficiently familiar with the workings of the Veterans' Bureau and the whole structure of the act. So I would not care to express an opinion on that.

The CHAIRMAN. Does anybody else care to ask the commander any questions? [After a pause.] We thank you for your statement, Lieutenant Commander.

Is there anybody else, Admiral Reynolds?

Admiral REYNOLDS. There is just one matter that Lieutenant Yeandle wants to present.

Lieutenant YEANDLE. This is just a matter that was brought up about the Army and Navy. The Secretary of the Navy approved of this matter. I suppose this is an old story, about the midshipmen and the cadets at West Point. If there is any inclusion of the cadets, or if they are to be included under this bill, he is anxious that the midshipmen should also be included.

The CHAIRMAN. If we include one we should include both, that is all you mean?

Lieutenant YEANDLE. Yes, sir.

The CHAIRMAN. Is there anything else from the Coast Guard?

Admiral REYNOLDS. Nothing further, Mr. Chairman.

Mr. JOSEPH SPARKS. I would like to present my matter, Mr. Chairman.

The CHAIRMAN. You asked for 5 minutes to get a matter before this committee. If this is one of those elastic things, it is not your turn now.

Mr. SPARKS. I represent about 10,000 men, and I would like to have a time specified when we can be heard.

The CHAIRMAN. We can not specify any time now. You had an opportunity and when we get through with others we shall probably give you a chance.

Mr. SPARKS. This information was asked for by the committee.

The CHAIRMAN. An application for 5 minutes does not involve going into this matter.

Mr. JOHNSON. Mr. Chairman, I was not here when the gentleman was before the committee. Whom does he represent?

THE CHAIRMAN. The American Legion, the legislative committee.
 MR. SPARKS. Mr. Chairman, in order that the record may be absolutely straight on that, if you will allow me my 5 minutes, I will be glad to have that.
 THE CHAIRMAN. I will do that.

STATEMENT OF MR. JOSEPH SPARKS, CHAIRMAN NATIONAL REHABILITATION DIVISION, AMERICAN LEGION.

MR. SPARKS. Mr. Chairman and gentlemen, during the hearings this committee has asked for certain expert testimony involving what we consider and what everybody concerned considers the most important point. I was asked to get certain expert witnesses here to testify on the subject of neuropsychiatric diseases, and I have that testimony here, and I submit that that can not properly be put before the committee in five minutes.

THE CHAIRMAN. Is the witness here?

MR. SPARKS. Yes, sir.

MR. JOHNSON. I would like to hear him, Mr. Chairman.

THE CHAIRMAN. The Chair will have to ask that he be allowed to make these assignments, or else have the committee do it. I do that for the arrangement of the time of the committee, as well as of the witnesses. The arrangement was made for five minutes, and I also promised that Doctor Salmon would be given the right of way when he arrived.

MR. HAROLD W. BREINING. That is correct.

MR. SPARKS. I realize that, but I realize that this is the most important matter before the committee.

THE CHAIRMAN. We will proceed in the regular way.

MR. BREINING. To supplement what Mr. Sparks was going to say, the expert he was going to call, I think, was Doctor Hutchins, who is now attending the neuropsychiatric school; and as he is a very busy man, if he could appear before the committee at this time it would be very agreeable.

THE CHAIRMAN. That is your request from the Veterans' Bureau?

MR. BREINING. Yes, sir.

THE CHAIRMAN. Then we will hear Doctor Hutchins.

MR. SPARKS. Mr. Chairman, I would like to read into the record a telegram from Doctor Salmon, who is probably the best—

THE CHAIRMAN (interposing). We will hear Doctor Hutchins.

STATEMENT OF DR. FRANK F. HUTCHINS, CONSULTANT AND CLINICAL DIRECTOR IN NEUROPSYCHOPATHY, VETERANS' BUREAU, WASHINGTON, D. C.

THE CHAIRMAN. Doctor, if you will, just give your name and address, and the capacity in which you happen to be here to-day, and then make such statement as you care to make.

DOCTOR HUTCHINS. My name is Frank F. Hutchins. I am consultant and clinical director in neuropsychiatry at the Veterans' Bureau. I am appearing simply as a physician from the bureau.

THE CHAIRMAN. You may make your statement, if you please.

DOCTOR HUTCHINS. I don't know exactly what I am expected to say.

THE CHAIRMAN. Well, maybe we can help you out. We are having witnesses, so far as possible, to direct their attention and remarks to the provisions of the bill which is now before the committee. And we are not asking that any witness testify to things he does not pretend to know anything about, but we are asking those who have a definite idea on any phase of the bill to tell what they think. Now, there has arisen a question particularly, if the chair is properly minded, to have some statements made with reference to these nervous diseases as comprehended in the bill, with a view particularly to the time which should be allowed for establishing connection between those diseases and the service. Is that right, Mr. Breining?

MR. BREINING. That is right. The only reason I had Doctor Hutchins here: I thought the committee desired to ask him some questions.

THE CHAIRMAN. I am not sure whether he has read the bill. Have you read the bill in respect of those features?

DOCTOR HUTCHINS. Not particularly. I thought I was here simply to answer some questions in the neuropsychiatric work. I do not care to make any particular remarks, but I would be glad to answer any questions that I may.

THE CHAIRMAN. Has Mr. Breining anything to suggest on the line of inquiry?

MR. BREINING. No, sir. I thought you wanted to ask some questions.

THE CHAIRMAN. Judge Sweet, have you any questions?

MR. SWEET. Yes; Mr. Chairman. Doctor, section 300, as it appeared in the bill of August 9, 1921, simply contains the phrase "neuropsychiatric disease" and all persons suffering from a disease which will come under that heading and which occurred within two years from the discharge from the service, the presumption arises that the nervous disease was connected with the service. Now, considerable discussion has gone on as to whether or not two years is a sufficient time, and the question for you to discuss here, as I view it, is as to whether this section 300 should be amended so as to extend that time for two years, or three years, or five years. And if you will proceed along that line the committee will be glad to hear you.

DOCTOR HUTCHINS. My own judgment is that it should be at least three years, because the causes of nervous and mental troubles, that is the neuropsychiatric diseases, as we understand it, are so obscure and are so various. Many of these men have their greatest complex and greatest difficulties after they are out of the service by reason of their service wherein, as they come back and try to readjust themselves to civilian life again—it is then that the greatest stress has come. So that it is very difficult to set an exact time during which these causes might be operative. It would seem to me that three years would be a fair time after service connection. However, I should want to state that nothing should be put into the bill to prevent an exservice man who has a neuropsychiatric disease from receiving treatment at the hands of the Government, regardless of how long a time it might be after his service ends.

MR. SWEET. There is nothing in section 300 as it now stands, or in the bill to prevent a man from proving that his nervous disease was connected with the service.

DOCTOR HUTCHINS. Yes; I think that is right.

MR. SWEET. But we simply put in a provision here, taking into consideration the greater number of cases which occur within the period of three years than presumably it is connected with the service, and we are establishing in a general way a length of time which would, in all probability connect the disease with the service. The provisions of the bill do not prevent the man who may have had the disease five years afterwards from proving that it was connected with the service, but the burden of proof is upon the soldier in that event.

DOCTOR HUTCHINS. In other words, it corresponds with the facts in the case. It seems to me that is very fair and just, both for the Government and for the ex-service man.

MR. SWEET. What do you say about five years: would that be unreasonable?

DOCTOR HUTCHINS. That would be very fair indeed for the man. I am not so sure but the Government would have all chance on that. It seems to me three years is a just time, because if the man can show that it was connected with the service, regardless of the time, his interests are safeguarded.

MR. SWEET. You think two years is too short?

DOCTOR HUTCHINS. I do. I think it should be extended somewhat. Because we come in contact with many men where it is very difficult for them to prove this condition of affairs, and at the same time it seems reasonable that this readjustment this man has tried to make to society has been the cause of his condition. And I can recall quite a number of cases where it seems, in all reasonableness and fairness, that this man's condition related to over two years before the breakdown occurred. You see, a man may maybe go for quite a long time from the time of the shock and from the time of the stress and strain before he shows this condition. And it seems to me two years is too short. Now, three years, it seems to me, is a fair time in which the man ought to show the symptoms of this nervous breakdown. And at the same time the gates are still left open so that in all reasonableness, and according to all the facts in the case the man's interests are safeguarded.

MR. SWEET. Now, the provisions of the present law use the word "neuropsychiatric disease"; in the bill before us for consideration "psychosis, neurosis or psychoneurosis" are the words used. Do you believe it is advisable to change the words "neuropsychiatric disease" to the words I have just read?

DOCTOR HUTCHINS. It is much more specific and makes it much more easy to administer. "Neuropsychiatric disease" is almost anything under the sun. It is a great multitude of diseases, some of which originally could not possibly be connected with the service. There is no such disease as "neuropsychiatric disease." It is a classification of a great number of diseases. It might be an infectious disease. We simply use the words "neuropsychiatric disease" as a classification of diseases affecting the brain and spinal cord. Now, when we say "psychosis, neurosis or psychoneurosis," you have something that you can put your finger on, and everybody understands that they are types of disease that might be connected with the service, and yet not show for a certain number of years afterwards. It is much more definite and simplifies matters very much, and would be much more just to the Government and to the men.

Mr. SWEET. It would be better in an administrative way, then?

Doctor HUTCHINS. It would, and much more just, too.

Mr. SWEET. Do you know what difficulties have been encountered in administering the present law under the words "neuropsychiatric disease"?

Doctor HUTCHINS. Yes; I am acquainted with a good many of them.

Mr. SWEET. And your thought is that this would make the law more definite and better to administer?

Doctor HUTCHINS. Yes; I think so. I know it would. And what is more, it would operate to the real benefit of the ex-service man.

Mr. SWEET. I think that is all I want to ask.

Mr. HUDDLESTON. Doctor, these terms have no particular significance to me, as a sort of a typical layman, and I think it would be of benefit to the committee, to know what the terms used in this proposed statute, "psychosis, neurosis, or psychoneurosis" mean; what they include. To my mind one of them means pretty much the same thing as another, and none of them mean anything in particular.

Doctor HUTCHINS. Well, they do represent certain classes of conditions. You understand, even under those headings, we have a great many types of diseases, and they are classified and reclassified so that we can tell what they are. What we ordinarily mean by "psychosis" is an insane man; a man who can not determine by reason, or who has defects in his reason or mind; a man who can not distinguish between real and imaginary conditions; who lives under imaginary conditions; who can not find his adjustment to life.

Mr. HUDDLESTON. Does that involve a disease?

Doctor HUTCHINS. Sometimes it is called a disease, and sometimes a condition. It might be either, although usually it is referred to as a disease. A man might have such a condition of his mind by reason of definite diseases, as representing a physical strain. I might say I think most of them are so.

Mr. HUDDLESTON. You mean change in brain structure?

Doctor HUTCHINS. A change in brain structure and in brain tracts. But I can also conceive of a man having a real insane condition by reason of his education and training, that it does not adjust itself properly, so that he does not use it rightly. It is something like his watch. It might not keep time because something is wrong with the mainspring, or because it might require some adjustment. So a man might not be functioning properly because he might require some adjustment.

Mr. HUDDLESTON. Now, what is "neurosis"?

Dr. HUTCHINS. Neurosis and psychoneurosis, those are conditions of affairs in which the individual does know the difference between right and wrong and the reality and imaginary things, but he is not able to conduct himself or to adjust himself to same conditions by reason of the wrong use of his mind. He is not insane in the sense that he could not discern between the true and the false, but there are certain conditions coming up within his own body that he can not interpret correctly; they prevent him from adjusting himself to the ordinary civilian walks of life, and prevent him from going ahead with his vocation or profession, or whatever it may be. We might illustrate psychoneurosis by saying it is a sort of a hysteria, or an hysterical condition interfering very much with his normal functions. It is not malingering to him; it is very real to him. In that way we get a manifestation by what we call a neurotic state. He is given false impressions by reason of disturbances in the nerve tracts. It seems to him it is true, and still he preserves his faculties in regard to his ordinary affairs.

We also have neurasthenic conditions and psychoneurasthenic conditions; and very intelligent men have these things. They fear, for instance, to go across the street; they fear they will be knocked down by an automobile. Maybe he has been knocked down by an automobile. But these neuroses are impressions that operate in a man's life and cause him to change his current and stream of life, and at the same time he still has his faculties, and is not what we speak of in the terms of insanity, or an insane man.

Mr. HUDDLESTON. Now, do neurosis and psychoneurosis come from the same causes as psychosis?

Doctor HUTCHINS. No; very many causes operate.

Mr. HUDDLESTON. Two types of disease do not have the same causes?

Doctor HUTCHINS. Oh, no; they may have.

Mr. HUDDLESTON. That is what I inquired.

Doctor HUTCHINS. They may have the same causes. The causes of these various mental conditions we speak of come from various causes, because psychoneurosis conditions are varying. One, you might say, is basic, or heredity causes. He gets it because of what is his father's condition; an instability of mind; an instability to discriminate and observe the equal mental faculties.

And then we have certain things we call acquired causes. Those are diseases from nervous or toxic causes, like alcohol or drugs, or syphilis, and are body poisons which prevent a man from functioning properly. And then another cause comes from a man's training and environment influencing him.

Mr. HUDDLESTON. Now, I notice that this amendment proposes not to allow compensation under this particular clause for these diseases where they are due to an infectious disease or to an organic disease or injury.

Doctor HUTCHINS. Yes, sir.

Mr. HUDDLESTON. What would be the effect of that limitation; how would it be applied?

Doctor HUTCHINS. Well, to be very frank with you, we have had considerable difficulty with that. For instance, if a man goes out of this building and walks out here in the street and is struck by an automobile, that is an accident. And it might have happened within two or three weeks after he was out of the service, and unless there was something wrong with his mind, it is difficult to see how the service was connected with the man being struck by an automobile out here.

Now, it is the same thing with a germ infection, meningitis or melarum—the germ is out here waiting, and he runs into contact with it.

Mr. HUDDLESTON. And syphilis?

Doctor HUTCHINS. That is one.

Mr. HUDDLESTON. I did not understand the term used.

Doctor HUTCHINS. That is sleeping sickness or meningitis. If you run into contact with that particular germ at that time, it is an accidental thing, and it is difficult to see how the service could have caused that.

Mr. HUDDLESTON. Suppose a man has a disease following an injury, or a disease which he had in the Army; let us assume that a man was struck on the head with a piece of shrapnel.

Doctor HUTCHINS (interposing). Yes.

Mr. HUDDLESTON. And later on he develops psychosis, or psychoneurosis, there would be no reason why he should not come within this clause, is there?

Doctor HUTCHINS. Oh, no; I think, as a matter of fact, there would be no question of a condition of that sort.

Mr. HUDDLESTON. And if he had meningitis in the Army and within two years afterwards, as a result of that disease, he developed a mental aberration, there is no reason why he should be excluded from the benefits of this act?

Doctor HUTCHINS. Oh, no; that would be unjust.

Mr. HUDDLESTON. And yet this language excludes him.

Doctor HUTCHINS. Does it? I think that would be manifestly unfair. Does it? I understood that this did not mean when the obvious facts of the case showed it was connected with the service, that this did not controvert the facts—that if the facts of the matter were that you could show definitely that a man had meningitis and that the man could show that it was connected with the service, even if it was 10 years afterwards, the Government is liable under this act.

Mr. HUDDLESTON. The fact, at least, that he had it in the Army probably could never be definitely connected with the psychosis which might follow in two years, because that might be due to some other cause. So that is the situation, because if the medical department of the bureau should find that it was caused by this disease, it would be a decision that it was in connection with the service?

Doctor HUTCHINS. Yes, sir.

Mr. HUDDLESTON. And this takes away the presumption in all cases where the man has had an injury or disease, no matter when it may have occurred?

Doctor HUTCHINS. I would not say so; that was not my understanding, Mr. Huddleston.

Mr. HUDDLESTON. I had thought from reading it that it referred to syphilis; that it was intended to exclude men who had syphilis in the service from the benefit of this presumption, if it was known that psychosis followed syphilis? Syphilis might be innocently contracted?

Doctor HUTCHINS. It might be.

Mr. HUDDLESTON. And accurately speaking, may not a venereal disease be contracted by contact or inoculation or some other means? So that the clause seems very harsh as applied to that disease. But it seems more harsh when applied to all mental disabilities following all organic diseases and injuries.

Doctor HUTCHINS. I believe—

Mr. HUDDLESTON (interposing). Now, one more line of questions, if you will pardon me.

Doctor HUTCHINS. Yes, sir.

Mr. HUDDLESTON. Do these terms in this amended bill include mental disabilities following from epilepsy?

Doctor HUTCHINS. I have not read this bill, but I should say that this bill, in this three-year clause, was to remove any possibility of anybody questioning this condition. In other words, it saves the soldier from submitting absolute proof. It is simply a hard and fast thing that you have a mental condition and become insane; that you have psychoneurosis at any time within three years. If you have psychoneurosis at any time within three years, even though it was not due to the service, this bill says, three years after the termination of the service.

Mr. HUDDLESTON. Is epilepsy a disease?

Doctor HUTCHINS. In a great number of cases—several hundred cases—it is.

Mr. HUDDLESTON. Well, is it psychoneurosis?

Doctor HUTCHINS. No; it is a distinct brain state.

Mr. HUDDLESTON. Not included in these terms?

Doctor HUTCHINS. No; epilepsy possibly would not come within psychosis, or neurosis or psychoneurosis, but a man who is subject to epilepsy might have neurosis, or psychosis or psychoneurosis, and this would take it in, regardless of when it came on.

Mr. HUDDLESTON. May epilepsy be said to be due to an infectious disease?

Doctor HUTCHINS. Just within the last few weeks some of our colleagues have said it was due to an infection of a certain gland. But we know it is due to a condition in the cortex of the brain. But it is due to so many causes.

Mr. HUDDLESTON. Would you call it an organic disease?

Doctor HUTCHINS. It might be an organic disease, or functional.

Mr. HUDDLESTON. So that a psychosis following epilepsy would not come under this presumption, epilepsy being an organic disease?

Doctor HUTCHINS. I would think so.

Mr. HUDDLESTON. This excludes organic disease, and since epilepsy is an organic disease, and psychosis which follow epilepsy is excluded from this clause.

Doctor HUTCHINS. As I understood it, a man who has epilepsy, no matter what the cause, if he was in the service, it is hooked up with that. Now, supposing he had epilepsy before he went into the service. The Government is not responsible for that; supposing he went into the service and went through the service with epilepsy, the Government was not responsible for that, but it might be responsible for an aggravation. If he had epilepsy before he went into the service and it was shown by the facts that this epilepsy was aggravated by the service, the Government assumes that aggravation, and if he had psychosis, it seems to me it would be assumed that the Government was responsible for the psychosis.

Mr. HUDDLESTON. I understood you to say that it was not known what caused epilepsy?

Doctor HUTCHINS. Not positively.

Mr. HUDDLESTON. So that it would be practically impossible for a soldier to show service connection of epilepsy if he did not show that he actually developed epilepsy while in the service. In other words, in a case in which the soldier has not had epilepsy while in the service, so far as he was able to prove, and it came out later, there would be no way in which he could connect it with the service.

Doctor HUTCHINS. It would be very difficult.

Mr. HUDDLESTON. Unless a presumption of two years or some other period is given.

Doctor HUTCHINS. Yes; you could insert that clause, if he had epilepsy two years after the service. But I would not know what caused it.

Mr. HUDDLESTON. Now, Doctor, will you tell us what other diseases would be included in "neuropsychiatric disease"?

Doctor HUTCHINS. May I make one qualification to my answer with reference to epilepsy?

Mr. HUDDLESTON. Yes; certainly.

Doctor HUTCHINS. I do not like to refer to epilepsy as a disease. It is a condition. In fact, it may be a great many conditions. Say a man had syphilis two or three years after discharge from the service, and then following that epilepsy, it would be obviously unfair to the Government to state that that was connected with the service. So we would be obliged to qualify that and state that such epilepsy was not due to syphilis or infections, and all that sort of thing, and it would be an endless complication of affairs.

Mr. HUDDLESTON. Is locomotor ataxia a "neuropsychiatric disease"?

Doctor HUTCHINS. It is not a "neuropsychiatric disease" ordinarily, although you may have it. It is a spinal cord trouble, actually.

Mr. HUDDLESTON. You would not include it in psychosis, neurosis or psychoneurosis?

Doctor HUTCHINS. No, sir.

Mr. HUDDLESTON. What is the cause of locomotor ataxia?

Doctor HUTCHINS. Syphilis, in every case I have known.

Mr. HUDDLESTON. Are there not included in the term "neuropsychiatric disease" other diseases not included in these terms here?

Doctor HUTCHINS. Yes, sir. I don't know how many I could give offhand, but I expect it would run into the hundreds, before long.

Mr. HUDDLESTON. I merely wanted an idea on the subject.

Doctor HUTCHINS. Yes; a great many.

Mr. HUDDLESTON. Then we are greatly narrowing the scope of this clause?

Doctor HUTCHINS. Yes; as I take it, getting the meaning and intention of the committee into more definite form.

Mr. HUDDLESTON. Now, Doctor, you say you have not read this bill?

Doctor HUTCHINS. No; I have not read it.

Mr. HUDDLESTON. Well, perhaps I do not want to ask you about this then. This is the clause:

"Provided, That an ex-service man who is shown to have psychosis, neurosis, or psychoneurosis, not due to an infectious disease nor to organic disease or injury, or is shown to have an active tuberculous disease (of more than 10 per centum degree of disability in accordance with the provisions of subdivision (2) of section 302 of the war risk insurance act, as amended), developing within three years after separation from the active military or naval service of the United States, shall be considered to have acquired such disability in such service or to have suffered an aggravation of a preexisting psychosis, neurosis, psychoneurosis, or tuberculosis, in such service, but nothing in this proviso shall be construed to prevent a claimant from receiving the benefits of compensation and medical care and treatment for a disability due to these diseases of more than 10 per centum degree (in accordance with the provisions of subdivision (2), section 302, of the war risk insurance act, as amended), at a date more than three years after separation from such service if the facts of the case substantiate his claim. This section shall be deemed to be in effect as of April 6, 1917."

Now, the point I was going to direct your attention to—and it is difficult, unless you have had the act before you and studied it for you to give the information I want—is the clause which requires that the disabilities shall exist to a degree of not less than 10 per cent within a three-year period. In other words, if a man develops a well-defined and clearly diagnosed psychosis within three years after his discharge which does not extend beyond 10 per cent of disability during that period, he does not come within this clause, although subsequently his disability from that disease may proceed to a total disability?

Mr. JOHNSON. Mr. Huddleston, the 10 per cent applies to the tuberculosis.

Doctor HUTCHINS. We would not say that the total would apply to the 10 per cent.

Mr. HUDDLESTON. The language is not clear. But suppose it does apply only to tuberculosis; suppose a man has a definite, clearly established tuberculosis infection within the three years; the germ is isolated, and there is no doubt about the facts. And yet it does not disable him during the three years from the performance of labor as much as 10 per cent; the provisions of the act are withdrawn from that man. Can you see a reason for that?

Doctor HUTCHINS. Well, you know the tuberculosis work and the details of that, I would prefer to refer to a tuberculosis man. I have difficulty enough in the psychoneurosis.

Mr. HUDDLESTON. We had a very capable tuberculosis specialist here the other day but he was not familiar with the terms of the bill.

Doctor HUTCHINS. The term "less than 10 per cent" really means a small disability. If a man has 10 per cent he is given some benefit. Ten per cent does not carry anything particularly, but simply recognizes that there is something there. But if there is a definite disability, he would get—

Mr. HUDDLESTON (interposing). It is theoretically possible for a man to have less than 10 per cent disability.

Doctor HUTCHINS. Yes; it is theoretically possible, but it is very small. If a man has a disease at all involving him in any way you would certainly give him more than 10 per cent. One-tenth of a psychosis, I doubt if I could get over that myself.

Mr. HUDDLESTON. You do not happen to be advised as to the percentage of the War Risk Veterans' Bureau beneficiaries who are receiving a 10 per cent rating?

Doctor HUTCHINS. No; I do not.

Mr. HUDDLESTON. It is amazingly large; I do not know what it is, but I know it must be quite large.

Mr. HUDDLESTON. You are the chief medical officer of the bureau, are you?

Doctor HUTCHINS. Oh, no; just on nervous and mental work.

Mr. HUDDLESTON. Who is the chief medical officer?

Doctor HUTCHINS. Colonel Patterson was. Doctor McIntyre is now.
 Mr. HIDDLESTON. What is his position?
 Doctor HUTCHINS. He is called the assistant director in charge of the medical division.

Mr. HIDDLESTON. And he is a specialist?
 Doctor HUTCHINS. Yes; he is a specialist. Colonel Patterson is a specialist.
 Mr. HIDDLESTON. Well, Colonel Patterson is gone.

Doctor HUTCHINS. Yes, sir.
 Mr. HIDDLESTON. In what line is Doctor McIntyre a specialist?

Doctor HUTCHINS. I think he is a general all-around medical man.

Mr. HOCH. A statement was made a few moments ago that the two-year period now in the law has merely to do with the burden of proof. I do not quite understand it that way. In case, under the present law, a man is shown to have a neuropsychiatric disease developed within the two years, the Government in fact does not go into proof to show it was not caused in the service, does it?

Doctor HUTCHINS. Oh, no.

Mr. HOCH. It is conclusive?

Doctor HUTCHINS. Oh, yes.

Mr. HOCH. So it is conclusive that the trouble was caused by the service?

Doctor HUTCHINS. Oh, yes; that is the way it is worked; that is what it says. That is the old bill. I do not know about the new bill.

Mr. NEWTON. Doctor, I did not hear the fore part of your talk or the examination, and possibly I may be asking something that has been covered in detail. If so, I have no desire to have it repeated. This bill, as I understand it, proposes to increase the conclusive presumption of traceability to service of neuropsychiatric trouble, using that in its broadest term, arising in a man within three years of the date of discharge; is that correct?

Doctor HUTCHINS. Except that the bill narrows it down to certain specific facts under neuropsychiatric, it is correct; yes, sir.

Mr. NEWTON. But I am using the term "neuropsychiatric" because I can not recall the others or can not pronounce them. It has taken me about two months to master neuropsychiatric.

The CHAIRMAN. If you are really in earnest in what you have suggested, the Chair might say to you that we have given the third degree to the Doctor, and the question you have already asked is along those general lines.

Mr. NEWTON. I just asked that as introductory to see whether or not we understood each other. Now, here is a young fellow who went into the Army or into the Navy; he has been several months here in America; he did not get overseas; subjected to no shell fire, or anything from which he might be able to figure there was nervous shock; discharged apparently in the pink of condition; no medical record whatever while he was in the service; no medical record during the first 2 years and 11 months after his discharge; no trouble with anybody or anybody having trouble with him; no one suspecting any mental ailment or nervous ailment at all; but in the twelfth month of the third year he develops trouble of the kind. Now, as I understand this bill, this bill proposes that the Government thereafter shall take care of that man, and that it shall be conclusively deemed to be traceable to his service. Am I correct in that?

Doctor HUTCHINS. Yes, sir.

Mr. NEWTON. Now, why should we presume that a man spending several months in the Army under ideal conditions has in this country, discharged in apparent good condition, no medical record while in the service, no medical record for 2 years and 11 months after he left the service; that because he develops some sort of neuropsychiatric disease in the twelfth month of the third year that that should be traced back to the six months that he spent in the Army? Why not take the more reasonable presumption that that must be traceable to something occurring in civil life?

Doctor HUTCHINS. May I have just a few minutes to answer that?

Mr. NEWTON. Yes; that is what is troubling me about this legislation.

Doctor HUTCHINS. Mr. Newton, there are reasons for this. As a matter of fact, these men do not let their condition be known; they try to conceal these things; they do not carry their feelings on their sleeves. To all intents and purposes the average man appears to be normal. But his condition is evident to his physician, or to those who come more closely in contact with him. These things that come into a man's life, he sees the struggles and strains going on in that man. Now, there is no necessity for shell shock or that he be under fire. Things were not so ideal in these camps as I would like to think. But you take the young man in ordinary life in this country; his training has been to move along and to restrain himself and to control himself and to adjust himself to law and peaceable pursuits, and not let loose of his emotions, but to restrain them, and go along in the smooth and even tenor of his way.

All at once you take that man out of his home life, away from his home and his mother and father and friends; you take him and place him in a camp; not under shell fire, but under those surroundings. A new experience comes into the life of that man. He is given a bayonet, and I have watched, almost with horror at times, the shock that has come into that man. He is taught new things; he has new mental emotions; he is taught destruction; from being taught conservation, he is now taught destruction. He has changed the course of his life; the whole course of that man's life has been changed. That is war. And then after he passes through that thing, all at once he is demobilized and comes out and goes back to civil life again to put his hand to the plowshare, and he plows deep and tries to forget it all and go back to what he was before; he tries to forget it. But he can not do it. There wasn't one man in a hundred that can do that thing. This thing is gripping him. It is a strenuous struggle. And he twists and strains to rid himself of these debasing things, if you will have it, working in that man. It is almost impossible for that man to come back and be a common ordinary citizen again.

It is only when he talks to his doctor that you realize that that man is different; that there is something that has come into his life that civilization, throughout all time, all during the ages, has been trying to keep out of men's lives. And we wonder what happens to that man. Why is it he breaks down? Why is it he begins to worry and stew? Why is it he develops these neuroses and psychoneuroses? There is a reason for it. And it is not on the surface. But it is a basic reason. It is a reason that these men understand in a way. It is only those men who have gone through that thing, it is only those men who have had great trials and tribulations in their lives, who have had their lives upset, who have had their hearts torn, who can understand these things, and understand the length of time that these things may be operative and unbalance these men's minds in their ordinary peaceful pursuits of a quiet American citizen's life. And that is the reason why I think that three years is very just.

Now, I probably have taken a good deal more time of the committee than I should have taken. I do not want to go into heroics about it, but I feel it very keenly, and I have seen these things in these men, and I know how they feel, and I can understand, in a way, why those men's minds become upset. The most pathetic thing that I can imagine is these young men going down with these mental conditions.

Mr. NEWTON. Doctor, I can appreciate the difference in a neuropsychiatric case due to the facts such as you have so well related here. But this bill also proposes to do the same thing in reference to the tuberculosis case. Now let us assume the same set of facts. That this thing runs along, and it is the twelfth month of the third year, where the individual had no medical record while he was in the service at all, and no medical record out of the service until practically the end of the third year period, and then he develops some infection in the lungs. I appreciate that a mental case may develop due to this change of mental condition while in the Army, but that hardly applies to a tuberculosis case, does it?

Doctor HUTCHINS. I think it does in a way. It probably is not so indisputable, not so far-reaching as the psychic influences are in a man's life, but it is well understood that a tuberculosis germ may remain dormant for a long, long period of time, and then flare up for some unusual reason.

Mr. NEWTON. Now, I have cases in my own files of men who were in the Army seven days, and developed tuberculosis within the two-year period, and they are getting compensated because of it. I have instances of where men were in the service, but were not out of their home city, in the very best of surroundings, who were in the service three weeks, five weeks, and developed tuberculosis, with no medical record while they were in the service at all; no medical record until along toward the end of the two-year period, and yet they are getting compensation under the two-year presumption. I have in mind some cases where men had no medical record while they were in the service, no medical record within the two-year period of any kind whatever, but along after the two-year period, and in the third year they commenced to develop tuberculosis signs, and under this law they would be entitled to compensation from the Government. Conclusively presuming this to be due to the service, whereas their period of service was so short, and under such favorable conditions, it is hard to conceive of how it can be traceable to the service.

Doctor HUTCHINS. Mr. Newton, we have a number of cases like that in nervous and mental conditions, and of course there are many in tuberculosis conditions, where the actual facts in the matter make it almost absurd, in a way. We have a number of those, and I do not see any way to obviate that exactly. The doctors have a great deal of difficulty in trying to render absolute justice under those circumstances. And so it may work an injustice to the Government in a few cases that I can recall that I have come in contact with. I do not see any way to obviate it. I am only

speaking for neuropsychiatry. The tuberculosis men will have to speak for themselves. But unquestionably in neuropsychiatry this three-year clause will cover the great mass of cases, probably, but undoubtedly there are some men coming into that class whose condition the Government really and truly did not cause one iota, but there are a lot of men on the other side, no doubt, whose condition, even years from now—because we won't even reach the peak of this for another three or four years from now anyhow—whose psychosis and whose psychic make-up or psychic twist can be truly attributable to the service by a physician who is really trying in simple justice to get at the facts with those men, but you could not go into a court of law and establish those things to save your life, because the facts are so abstruse, etc. So that there are many, many cases that even this three-year law will not reach.

It would be hard to say just how you could frame it in order to prevent any possibility of error whatever and prevent any possibility of injustice being done either to the Government or to the ex-service man. I don't know how you could frame it so as to prevent any possibility of injustice being done. I take it this three-year clause is showing the Government's desire or the people's desire to show the right sort of appreciation to the ex-service man and see that he himself does not carry all the burden of the war, and that it is going to reach the large majority of cases, of your conditions, where you can not tell just exactly what it is. You might tell, with a great deal of work and maybe examinations covering a period of weeks, and one physician taking one case and giving him time to it, just exactly what a man's condition is and whether his mental condition is of origin or not. But in many cases that would require, as I said, a great deal of time, and a great deal of application on the part of the physician. And that is what we do in private life. In private life you could tell.

Mr. NEWTON. Now, I can see the point exactly on these mental cases, but it is hard for me to understand about these tuberculosis cases. Now, the bureau to-day, under the two-year clause as to tuberculosis, have added to it, in order to be liberal, and carry out the spirit of the law, the intent of Congress, three months, six months, and nine months.

The CHAIRMAN. Mr. Newton, if you will pardon me, a whole morning was put in on that subject, through the testimony of an expert witness, who seemed, I think, to the committee, to be well advised and very direct and intellectual in his statement of facts, and he emphasized that subject.

Mr. NEWTON. I have no desire to go over something that has already been covered before this committee.

The CHAIRMAN. You will find that very point covered by the testimony of Doctor Dunn.

Mr. NEWTON. But I was kept away from the committee, as the chairman knows.

The CHAIRMAN. Yes.

Mr. NEWTON. And I was told that that question was not covered, and to me it is the most vital point of the whole hearing, so far as tuberculosis is concerned.

The CHAIRMAN. Well, the chairman would like to inquire of the other members of the committee on that point. Are there any of the members who feel that that has not been very carefully gone into by Doctor Dunn?

I think you will find it liberally explained, Mr. Newton.

Mr. NEWTON. Well, I have not seen the hearings, and I want it covered, because personally I can not vote either one way or the other on that bill until it has been answered to my satisfaction.

The CHAIRMAN. This witness said twice that he did not care to go into a discussion of tuberculosis. I am not trying to curtail the inquiry, Mr. Newton, but to save as much time as we can.

Mr. NEWTON. I wanted to tell the witness that I thought I could see a big difference between mental diseases and tuberculosis.

Doctor HUTCHINS. I can, too.

Mr. NEWTON. Yes; in reference to the application of that law.

Doctor HUTCHINS. There is a big difference between mental diseases and tuberculosis in reference to the application of the law.

Mr. DENISON. Doctor, I was very much interested in your rather elaborate answer to Mr. Newton's first question as to this presumption, as far at least as mental disease is concerned, from these men's experience in the training camps in this country. Now, all military training is a preparation for war, is it not?

Doctor HUTCHINS. Yes, sir.

Mr. DENISON. And all over this country we have our National Guard organizations, and each year they go into intensive military training. And we are sending our boys to military schools, we are sending them to Annapolis and to West Point and other military schools, and giving them intensive training to prepare them for the destruction of war. Now, then, if your answer is accepted by the medical profession, and is

true, then you have rendered the strongest indictment I have ever heard against military training of any kind, because you are liable to upset the mind of every man who goes into it, and there would be a presumption of a mental disease that would be likely to follow from that military training.

Doctor HUTCHINS. I would not want it to be used in that connection.

Mr. DENISON. No; you would not want it to be used in that connection; you are giving it for a different purpose. I am taking it now in its broad sense.

Doctor HUTCHINS. It is a true statement of fact, as I see it. Now, as an actual fact, it was the sudden shift from this natural, peaceful life which most of our young men had led to this life in the camp and the experiences they had there. Now, no life is one long, sweet song. I think probably we do not want our men to be raised as jellyfishes. We want our men to be prepared, to be always ready to fight on their armor and fight, if necessary. But let us get them adjusted to it, and do not do it overnight, with that suddenness that was necessary during this last war.

Mr. DENISON. But your statement a while ago was not based upon the suddenness with which they were put into the service; but it was based upon the fact that they went into the training camp and went through this strain then, and this experience in which they were taught destruction, from their experience in civil life. Now, we have been told here for years that the best thing that could be done for the young men of this country, for their physical well-being, is to put them in a military camp, give them military training, and teach them how to fight. Is that true or not?

Doctor HUTCHINS. I think it is a good idea.

Mr. DENISON. You think it is a good idea to give the young men of this country military training and teach them how to fight?

Doctor HUTCHINS. Yes.

Mr. DENISON. And yet you tell us that from that experience these neuropsychiatric diseases may follow, and you are telling us that we ought to enact a law that will presume that they will follow. Now, how do you reconcile those two theories?

Doctor HUTCHINS. It is a stress, and it is a strain. We do have to restrain ourselves and adjust ourselves, but it is not a matter of simply denying the truth and denying the fact. Men do have to fight sometimes. And they should be prepared for it, not all at once, however. They should not, after spending their lifetime, for instance, up until they are 25 or 30 years, in quiet, peaceful pursuits, restraining themselves all that time, go suddenly from that life into the life of a training camp and prepare themselves for war. There is no reason that I can see why because a man is trained to fight that he can not also be taught to restrain himself and to respect the common, ordinary laws of civilization, and all that sort of thing. It is a complete adjustment over a long period of time. I should want the young men of this country to recognize that there are some things worse than to fight. I want them to fight when it is necessary for them to do so. I do not want them to be jellyfishes and be submissive and always under restraint; but I should want them to fight in a just cause, to put on their armor and fight for their country when it is necessary and to take up the plow when that is necessary. But there should be opportunity and time for mental readjustment in all of this. If you take them from the plowshare without any preparation whatever and put them at these warlike pursuits, that is what is causing the trouble. The mental conditions that have been referred to here did not come up in the men who had been prepared for war. There was no such stress and strain among the men in the Regular Army as there was among those who were suddenly taken from their peaceful pursuits and put into the training camps. These men who had had that military training all their lives were prepared for it. Those strains that we are not prepared for in this life are the ones that hurt us.

Mr. DENISON. Yes, I know; but these laws do not apply merely to the men who were in the Regular Army. They apply to all the men in the service.

Doctor HUTCHINS. Yes.

Mr. DENISON. Now, there were very few of us that were in the Regular Army. Now this military training that is provided each year in these camps is not provided for the men in the Regular Army; it is provided for men in civil life, and they are taken suddenly each year and put into camps. Now we are asked to appropriate money each year to put these men in the training camps for intensive training, to prepare them for war. Now it seems to me that the medical profession, if you represent them here in your testimony, is put in an inconsistent position, because they advise us that it is important for the well being of the young men of the country to put them in these training camps, taking them out of civil life each year, and giving them intensive training, and yet you come here now and ask us to pass a law that would presume that they will have nervous trouble from that training.

Mr. HOCH. Will you permit an interruption right on that point, Mr. Denison?

Mr. DENISON. Yes.

Mr. HOCH. Isn't there a vast difference, Doctor, from the psychic standpoint, between a man taking training in a camp in peace times where the possibility of actual warfare is vague and remote in his mind, and being sent to serve in the Army in time of war with the prospect of combat immediately ahead of him? Isn't there a vast difference in the effect upon his mind in those two cases?

Doctor HUTCHINS. Yes, sir; there is. But may I just point out a difference here. I have watched the men going to the training camp. They tell father and mother and sweetheart good-by, and they go out there, and father and mother and all come out there and visit them, and they picnic, and are together. And the young man is prepared for it. He has gotten used to that condition of affairs. He may be called off and go to war some time. But the war is not right there. And when he goes to the training camp under those circumstances he is not looking forward to maybe going off to France in the next week or the next month or the next six months, and coming under shell fire, and actual battle. But there is not a man here who does not know that when the men went into the camps in 1917 and 1918 father and mother did not wish them good-by with smiles and good cheer and that sort of thing. Those were times of tears and wailing, and the very conditions under which those men left their homes and went into these camps, Mr. Denison, was a stress that very few men can stand. It was really a hard twist.

Those were real war conditions. They were not prepared for war. And here war conditions came upon them. And they were going there without any preparation whatever. None of them had even known what it was before. There were very few soothing influences. These men went into those camps and lived under war conditions, they lived under Army conditions, and all this was taught to them suddenly, and there was a complete change from what they were prepared for. I am very strong for military preparedness, and I believe military preparedness, Mr. Denison, would prevent just exactly what we are facing now, to a large extent.

Mr. DENISON. Now, then, military preparedness will not get away from this sentimental stuff that you are talking about. As I understand you now, you are attributing the real cause of this trouble to fear of not coming back again. Now, if that is what your position is, if you want your position to be understood that way, why that is all right. You seem to be placing it now upon the purely sentimental ground and for the sentimental reason that the folks think they won't come back, and the man that goes into the camp thinks probably he will not come back, and therefore he is under that mental fear or dread which causes this neuropsychiatric condition.

The CHAIRMAN. Take time to answer that proposition, if you desire to answer it, Doctor.

Doctor HUTCHINS. Well, I merely want to answer this statement, and I hope that you will take it in the spirit in which it is given, and that is this, that I certainly would not want to have the strain, the psychic strain, that the men were under to be compared with anything like an ordinary emotion or sentimental feeling. Emotional it was, but it was certainly not sentimental. It was real.

Now, it would take a long time, really, to go into the details, probably, of that sort of thing, but there is a very great difference in actual warfare between the men who were unprepared, who went suddenly, who were drafted and came right out and went into this camp experience, and the men who have been prepared for that sort of thing. Why, the whole purpose of life, the whole purpose of training in every university, in every school, is to prepare a man to meet the strains and stresses of life. You take an attorney who has not been prepared to go before the bar, and I will tell you it is a real stress for him to have to go before the bar if he has not been prepared for that sort of thing. And the same is true of a physician. And so you take an ordinary layman who is unprepared to meet actual living conditions; he is under great stress. And so it is all the way through, in all human experiences. Now, that is the very purpose of education, to prepare a man so that he will not break down if some stress or strain comes upon him. And I take it that the great majority of the men who were called into service during the war had not been prepared for such a strain.

Mr. GRAHAM. May I ask a question, Mr. Chairman?

The CHAIRMAN. Mr. Graham.

Mr. GRAHAM. I saw men in France who had not been in the battle line, and who were suffering from a peculiar affliction. Some of them would act like old men with palsy. Some of them could not talk right. Some of those men had not been under shell fire. They had what a layman like myself would call shell shock, due to the conditions under which they lived, and the thoughts of what they were going into and due to the unnatural conditions of the trench life and camp life in France. Now, do you suppose those men would have gotten into that condition if they had been in a training camp in the militia in time of peace?

Doctor HUTCHINS. I do not think they would, and I have had an opportunity to examine both types of men. I had an opportunity to examine a great many of the younger recruits as they came into service, and the physical condition that some of those young men who came into the service were in is unbelievable. Rapid hearts, upset stomachs, all kinds of things as the result of this emotional influence of simply leaving their homes and going into camp. The uncertainty. But you go out to a militia camp, you go to a university where they have military training, or go to any military school, Culver, in my own State, for example, and that emotional strain is not there. The men are there with a fine sort of esprit. They walk erect and have a fine bearing, and we are kind of proud of them, you know, as American youngsters, and they do not show those heart conditions nor the disturbances that we call ductless gland conditions. They are real, you know. You can get a physical condition from your emotions very quickly.

The CHAIRMAN. Are there any other questions to ask the doctor directed toward the subject matter of the bill?

Mr. LEA. Doctor, are there any statistics reasonably accurate to show the number of these nervous diseases suffered by the service men as compared with the civilian population?

Doctor HUTCHINS. There are those statistics, but I am not exactly familiar with them. It would be a very interesting thing to know.

Mr. LEA. And can you give us your opinion as to what number of these nervous diseases caused on account of service would probably be realized within two years after the discharge of the service men?

Doctor HUTCHINS. May I have that question again? I don't know that I quite understand the purport of it.

Mr. LEA. What proportion of these nervous diseases due to the service would, probably develop within two years after the discharge of the service men?

Doctor HUTCHINS. Well, I would have to go and figure that out. I could not give it offhand. I would not want to give an opinion on that. I would want some figures to base it upon.

Mr. LEA. Yes. I presume your answer would be the same with reference to three years also?

Doctor HUTCHINS. Yes; I would want to get the facts in the matter as near as I can get them.

The CHAIRMAN. Any other questions?

Mr. HUDDLESTON. Doctor, I get letters from the bureau stating that a certain claimant has been found to be disabled by dementia praecox. I do not know what that is.

Doctor HUTCHINS. That is an insane condition. We usually speak of it as a splitting up of the individual. It really is a sort of a board term that describes a great many different forms of psychic disease, but in a general way an individual has an imaginary life and a real life. There is a real thing which goes along through life, and then there is an imaginary side. Well, now, most every man has those two sides, and he adjusts his dreams with the realities and with the facts of life, and so he moves along, as we see him, an ordinary man.

Now the dementia praecox man can not do that. He lives in forms of dreams, in imaginary situations of affairs. There is an unreality in his life, and he does not conform to things as they are. In other words, he is living off in fantasies and imaginations and things of that kind, and acts accordingly. He acts according to his fantasies and not according to the facts. Now am I clear enough on that?

Mr. HUDDLESTON. Yes; entirely so, thank you. Is that disease included within the term "psychosis"?

Doctor HUTCHINS. Yes, that is one of the insane conditions.

Mr. HUDDLESTON. Well, what is the term for a dementia which is hereditary?

Doctor HUTCHINS. Well, a dementia which is a hereditary dementia may be in the form of idiocy, as occurs early, or feeble-mindedness, or imbecility which follow on from childhood. Dementia which comes on later in life might take the form of secondary dementia, or even primary dementia; simply a failing of the mind. Dementia means without mind. It is simply a failing of all the mental faculties, and not a twist of mind which occurs in the ordinary psychosis, although dementias are included under psychosis. We ordinarily mean by "psychosis" a twisted mind, a watch which is not keeping good time. Not an Ingersoll, for instance.

Mr. HUDDLESTON. Would that be included within "psychosis"?

Doctor HUTCHINS. Yes, we would include dementia as in psychosis.

Mr. HUDDLESTON. I assume that the latest medical opinion is that insanity may be hereditary?

Doctor HUTCHINS. Oh, yes.

Mr. HUDDLESTON. Well now, this hereditary condition or weakness may disclose itself in idiocy at the birth of the child?

Doctor HUTCHINS. Yes, sir.

Mr. HUDDLESTON. Or in the condition of the imbecile, developed at 5 or 6 years; or in the condition of the moron, which is a sort of suspended development at about 10 or 12 years of age?

Doctor HUTCHINS. Yes, sir. A child may develop fairly normally up to 10 or 12 and then does not go much further. That is simply in relative terms, you know.

Mr. HUDDLESTON. Now, if he goes on until maturity, and the person develops his full mentality, but subsequently fails, it is then insanity?

Doctor HUTCHINS. Yes; but we refer to all those as insane conditions, you know. An insane condition, as we ordinarily interpret it—I believe the lawyers do that—is the condition of a man who is out of adjustment and out of harmony with his surroundings and conditions of life, with the facts of life, by reason of a defect of his mind. Now that defect may be a deterioration of mind which recurs in dementia, or it may be due to psychic twist, or delusions, or fancies, imaginations, paranoic conditions, excessive belief in self, too much sitting down and studying one's own thoughts, too much studying of imaginary conditions, etc., and it may be due to any of those things, but they all come under the same term, psychosis: as a man who is not adjusted in life, who is unable to adjust himself or do the work he ought to do because his mind is not correctly adjusted.

Mr. HUDDLESTON. Would the condition of a moron be called a disease?

Doctor HUTCHINS. It is a disease in this way, that it is not normal, but it is not a disease in that you have an infection or anything of that kind. A moron is simply a man who has not grown and developed along up to what is supposed to be the age of reason, 25 or 30 years. He stops at a point or age of 12.

Mr. HUDDLESTON. Well, is that necessarily hereditary or may it be due to disease?

Doctor HUTCHINS. It may be due to other things. Sometimes it is due to the natural condition of a brain cell. It is the inherent condition of the brain cell that would only let it develop to a certain condition. Sometimes it is the result of disease. Sometimes it is the result of a great many different things. It is a good deal like a great many other physical things. Some men do not grow up to be any taller than 5 feet 6 inches, and some men go up to 6 feet 5 inches. And some men are capable of being very strong and vigorous, and other men are not naturally physically strong and vigorous.

Mr. HUDDLESTON. But disease may affect that growth?

Doctor HUTCHINS. Disease may affect that growth anywhere in this stage. If we take an individual right here we always estimate him from three different standpoints. First we estimate him in regard to what his father has been, his hereditary condition. Then what he has learned to be, in other words, his environment, training, and what he has had. And the third thing we do is to find what is his experience, what is his physical condition just at this particular moment. We always build the man on the tripod like that, starting with his potentialities, his possibilities, and then how far he has trained and developed those possibilities; what has been his environment; and the third thing: Is he sick at this time? Is he well nourished at this time? Is he subject to any physical condition? And those are the three legs upon which every man stands at that identical moment.

Mr. HUDDLESTON. Is the condition of the moron included in the term neuropsychiatric disease?

Doctor HUTCHINS. Yes, sir.

Mr. HUDDLESTON. Is it included within psychosis, neurosis, or psychoneurosis?

Doctor HUTCHINS. A moron is not ordinarily considered psychosis unless he passes along to dementia or to the condition of an imbecile, or things of that kind. Many morons are not psychic cases. Some of our most valuable workers are morons. A 12-year-old boy may do very fine physical work, but he ought not to take up mental work, work which requires a high degree of mental development. But many of our hewers of wood and drawers of water, so called, are real good, able-bodied American citizens, and fulfill their functions, and I take it are just as valuable in their niche as anybody else would be.

Mr. HUDDLESTON. Would you say that the condition of a moron, same not having been known or noted at the time he was enrolled as a soldier, would come within the scope of this bill as psychosis, neurosis, or neuropsychosis?

Doctor HUTCHINS. Why, I don't think he ought to. You take a moron; that is a condition which has been with him from birth, and has come right along with him. But now if he was a moron when he went into the service, and should degenerate into an imbecile, why it seems to me that the service would have something to do with it.

Mr. HUDDLESTON. Is there any way to tell what the cause of the condition of the moron was? You have stated that it is not necessarily a matter of birth. That it may have been due to disease.

Doctor HUTCHINS. Yes; it may have been due to disease.

Mr. HUDDLESTON. And is there any way to distinguish between the condition of a moron and the man who has neurosis, or something of the kind?

Doctor HUTCHINS. Yes. You take a man at this time who measures up as a moron. There are certain conditions, certain so-called stigmata, physical things that go along with that moron. If you had the history of his life, why that would help you very materially, by knowing what he has done. But there are certain physical things that go along with a man's mind that indicate it. They do not do it absolutely, but they do indicate to you that that is a condition which has probably been from birth, and we always consider that when we examine a moron. For instance, in making psychometric tests we may not note any twist or anything of that kind, but simply a lowered state of mental development. You begin to look at that man and see if that lowered development is a result of a physical condition which is indicated by the other examination, or it might be that in your physical examinations you might find evidences there of a meningitis by certain neurological tests, or an evidence of some disease which has a tendency to lower the mental condition. But we do not speak of that man as a moron under those terms. We speak of that man as a dementia; in other words, letting down of the mind that he first had. The moron never had it. The demented man is the man who, it argues, first had a mind, and had lost it. The moron argues that he never had.

Mr. HUDDLESTON. I have in mind the case of a former soldier who when he was examined and enrolled was found to be sound in every respect. He had no hospital record. He was discharged, and upon examination was found to be sound mentally and physically. He served as a corporal satisfactorily. Some months ago he filed a claim for compensation. The bureau holds that he is a moron, and hence not compensable because of his condition. And I have in my mind some idea that the Government ought to be excluded from making that kind of a finding in the case of a man who has served and done his duty, and now they put it up to him to prove that his condition is due to the service. And of course he can not prove it.

Doctor HUTCHINS. Well, to err is human, you know, and doctors are no exception. I can say this positively for the bureau, and I want to say it very positively. I have never seen anybody in that bureau, from one end of it to the other, who did not try to do the right thing toward the ex-service man, and they are always ready to correct mistakes. Now we make mistakes, I am sure of that, and I guess everybody else is too, but that is a perfectly normal and natural thing. We are ready to correct whatever mistakes we make; we are ready at all times to straighten them out.

Mr. HUDDLESTON. I do not say that that is a mistake upon the part of the bureau. Doctor HUTCHINS. It might be, or it might be the mistake of some individual. Of course the bureau is responsible for what its individuals do, and we are making every effort in the world to provide the bureau with the very highest types of doctors and professional personnel. They are making every effort to do that sort of thing so that these things will not occur. But the bureau, with its vast work, had to take such tools as it had to work with.

Mr. HUDDLESTON. May I ask one more question? I have been informed that the soldiers were submitted to certain tests at some period during service—that is, mental tests—and the number of mental inferiors—I don't know what other word to use—was ascertained and they were set apart. And I want to ask you whether you could tell us what percentage they amounted to?

Doctor HUTCHINS. That varied a bit. About one-half of our men of military age were found unfit, for various reasons. Quite a large proportion of the soldiers were unfit by reason of certain mental inefficiencies. Those mental inefficiencies came from so very many different causes that I could only speculate as to the total number of those that really were morons. But it is a matter that I could get so quickly and accurately for you that I rather would not trust my memory. If you desire to have that, I could give that to you in 30 minutes' time, because it is all stamped down as a matter of record. Quite a long list of those.

Mr. HUDDLESTON. I should like to have it.

Doctor HUTCHINS. I will see that you get it.

The CHAIRMAN. Send it to the clerk of the committee, to be incorporated in your testimony.

Doctor HUTCHINS. I will, sir.

Mr. DENISON. Mr. Chairman, I would like to ask a question, and if it has been covered you can call my attention to it.

The CHAIRMAN. Yes.

Mr. DENISON. Now, the present law, Doctor, if I understand it correctly, fixes this presumption at the period of two years; that is, the presumption of service origin is

fixed at two years. And that was put in the law after hearings and medical testimony and after we heard representatives of the bureau. Now, this law enlarges it to three years. Is that change based upon any well-defined medical principle that has been discovered since the former law was passed, or not?

Doctor HUTCHINS. No, I do not know as it is.

Mr. DENISON. Upon what is it based?

Doctor HUTCHINS. Upon experience largely; that we have undoubtedly a good many cases who show that their condition is traceable to service, and at the same time it has occurred after the two-year period.

Mr. DENISON. Well, now, then, the probability is, or is it the probability that another year's experience, or two years' experience may call for an extension of this time to four or five years?

Doctor HUTCHINS. Yes, absolutely. I would be guided by whatever the experience and facts were. I would not get glued to a three-year period or any other period.

Mr. DENISON. So we may come to face testimony from the doctors of the bureau hereafter which would suggest that we change this to a longer period?

Doctor HUTCHINS. It may be, yes.

Mr. MAPES. Mr. Chairman, I would like to ask a question.

The CHAIRMAN. Mr. Mapes.

Mr. MAPES. Doctor, can you tell us what percentage of the men who have made application for relief from the bureau for nervous troubles since the expiration of the two-year period have been able to trace their disease to the Army service, and what percentage have been shut off from relief because of their inability to show that? To so trace it?

Doctor HUTCHINS. I would simply have this in a general way. But the statistical department could give those things to you accurately. I could not give them to you accurately.

Mr. MAPES. Is it a large per cent or otherwise?

Doctor HUTCHINS. I shouldn't say it was so very large. I doubt even if the statistical department could give you exact figures on that, because it would take a survey of this whole United States, of thousands and thousands of applicants, and I really would not be able to say how many there are.

Mr. MAPES. Would you say that the majority of them, if their disease was due to the service, could trace it back to the service or not?

Doctor HUTCHINS. No, I do not think they can. That is the difficulty with it.

Mr. MAPES. They can not?

Doctor HUTCHINS. It is there, but we are not expert enough, don't you know, as doctors, to say so. It is possible that a very large number of expert or superexpert physicians could say definitely and honestly as to whether a man's condition is due to the service or not after a long period of time.

Mr. MAPES. Well, my own experience has been that it is very difficult for a man now to satisfy the medical men in the bureau that the tuberculosis which he now has, or the mental disease which he now has, was due to the service. Without this presumption of law that we have put on it would be very difficult for that man to get compensation.

Doctor HUTCHINS. Yes, the medical men have to obey the law over there, and it is a hard thing for a man to do, but he has to do it.

Mr. MAPES. Am I right on that or not?

Doctor HUTCHINS. Yes; you are right. Pardon me, may I state that the burden of proof is on the soldier, as I got it largely, to show that it is connected with the service. But when you say "two years" to the doctor over there, why, shucks, that is all he has got to know, and in it goes.

Mr. MAPES. So that the great bulk of these fellows who did not apply for relief within the two years, even though their mental disturbance is due to their Army service now would be shut off from relief unless we have this presumption in the law?

Doctor HUTCHINS. Yes, that is exactly the truth.

The CHAIRMAN. Any other questions to ask the doctor? If not, we are obliged to you, Doctor.

Mr. BREINING. Have you any witnesses whom you wish to have the committee hear now in the interests of the bureau?

Mr. BREINING. Yesterday Mr. Cooley submitted a concrete case to this committee, which the committee discussed. I have now the case here, and I would like to have Doctor Holt, if the committee please, go into that case.

The CHAIRMAN. I think we can arrange that, but aside from that, and in laying out the future work of the committee it would be helpful to find out about how many witnesses you would expect to bring in.

Mr. BREINING. Doctor Holt is the only one.

The CHAIRMAN. Will the members of the committee indicate any department of the bureau in respect of whose work they would like to get information?

Mr. NEWTON. Mr. Chairman, I am very much interested in this question of tuberculosis, and have the minutes been transcribed yet of the testimony of the tuberculosis expert?

The CHAIRMAN. I think they are probably in typewritten form. We are waiting for the members to correct their testimony before they are printed.

Mr. NEWTON. I want to look over that testimony, and there very well may be some questions that I want to put on that particular proposition to some one of the tuberculosis section of the bureau.

The CHAIRMAN. That can be furnished. Doctor Dunn's testimony was on the subject of tuberculosis.

Mr. NEWTON. And then there are several questions with reference to Doctor Holt that I would like to ask. He is here.

The CHAIRMAN. You would like to ask Doctor Holt some questions now?

Mr. NEWTON. Yes.

The CHAIRMAN. Are there any other witnesses to be suggested by the committee as desirable from the Veterans' Bureau?

Mr. HUDDLESTON. I should like to know something more, Mr. Chairman, about the system of ratings.

Mr. BREINING. Doctor Holt is competent to discuss that also, Mr. Chairman.

The CHAIRMAN. Very well, that will take care of that. What other features are there that any members of the committee wish to take up?

Mr. LEA. Yesterday morning we had a doubt left as to the interpretation of heirship in case of the death of the beneficiary. That is a matter of law, I suppose, but that is a subject that I would like to have cleared up.

Mr. BREINING. Judge Cooley, from the legal division, is here, and he can discuss that.

The CHAIRMAN. Very good. Well, suppose we go on with the statement in respect of that case which Mr. Cooley brought up.

Mr. BREINING. Doctor Holt will do that.

STATEMENT OF DR. EARL K. HOLT, ASSISTANT EXECUTIVE OFFICER OF THE VETERANS' BUREAU, WASHINGTON, D. C.

Doctor HOLT. Without violating the principle of privileged communications between the doctor and his patient, I feel that it is incumbent upon the bureau to make some statements with reference to facts that were brought to the committee's attention yesterday morning in connection with a certain case in which it was said that the bureau had, in spite of persistent and unrelenting efforts, and assistance by outside influences trying to get a more favorable consideration, nevertheless had rated a man as only 10 per cent from discharge, until recently that had been increased to 20 per cent. It was further stated that this award was based on epilepsy, and it was said that there is an element of deaesthesia.

The file in this case shows the period of service was approximately six months, beginning in June, 1917, and ending in January, 1918. He was released from service because of a disability diagnosed by the authorities as epilepsy. He was first examined at Pittsburgh and found to be suffering with epilepsy, so called, due to arterial disease. However, this diagnosis was apparently based on history largely. A rating was made not of 10 per cent, as has been previously stated, but 30 per cent upon this diagnosis. I will say in this connection that at the time that this rating was made the bureau rating table called for rating of 30 per cent in case of epilepsy of the character described.

Mr. SWEET. Was that permanent?

Doctor HOLT. No; temporary. The case was under study and was not finally adjudicated. It has not been yet adjudicated. He was then put in the hospital and stayed there about 10 days and deserted. He had no seizures while there, but a diagnosis of epilepsy was made on the history.

The CHAIRMAN. You said he deserted?

Doctor HOLT. Deserted the hospital, yes. Subsequently he was examined under a longer period of observation, and here he had some seizures. He was transferred to another hospital where more seizures were observed, and after a very careful study it was concluded that this man does not have epilepsy. That he has in reality seizures of unconsciousness, but that these seizures are entirely functional, and that the disease does not properly fall into the classification of epilepsy, but is a psychoneurosis, a hysteria. The psychoneurosis, as we understand it, is the expression of the unconscious wish—without entering into a too detailed statement regarding the causes of

psychoneurosis—and not due to any organic or toxic conditions or to any physical disease. It is purely functional, made up and created and fostered by the mind itself.

He was subsequently examined outside of the hospital, and a tentative diagnosis of epilepsy was again made on the history, but we have had several observations and examinations since then, and they are all convincing in showing that the man has not epilepsy, but a hysteria.

The element of deafness that was mentioned here has never appeared at any time in the file, either in the course of hospitalization or in the course of his treatment or examination. He has had secondary disabilities or other disabilities than epilepsy. He had tonsillitis at one time and was sent to the hospital and the tonsils removed. This was so long after discharge that it was not due to service. He has also a second or third degree flat foot on one side, which is not due to service.

Mr. SWEET. Does your record show that any examination was ever made of the man to ascertain whether he was deaf or not? Has that been called to the attention of the department by affidavits, statements, or otherwise?

Doctor HOLZ. No, I see nothing in here referring to either a complaint of deafness nor a finding on deafness.

Mr. SWEET. Now, in these examinations that have taken place, if the young man was deaf, they would certainly make a minute of it, would they not? They would examine into that, wouldn't they?

Doctor HOLZ. Yes. I have talked to one physician who examined this man very carefully, and he said he observed no evidences of deafness. I may say in that connection that it is possible for the psychoneurosis to seize upon the function of hearing as it has upon the other functions to produce convulsions, and he could have a functional deafness of the same nature as the seizures. But that element has not appeared in our official examinations.

Mr. SWEET. Would that be simply at the time of the seizures?

Doctor HOLZ. It could be simply at the time of the seizures, or it could be continuous. It could be intermittent.

Mr. SWEET. So there is a possibility here that there might be periods in which this man would be what might be termed practically deaf?

Doctor HOLZ. Functionally deaf.

Mr. SWEET. Well, functionally deaf—I don't understand that.

Doctor HOLZ. His consciousness fails to perceive impressions that are brought in by the auditory nerve.

Mr. SWEET. In other words, the ear would act—

Doctor HOLZ. (interposing). But the consciousness does not take cognizance of it.

Mr. SWEET. But in ordinary parlance, however, he would be deaf. As far as the layman is concerned, he would be deaf.

Doctor HOLZ. He himself would be convinced of his deafness. And the rating is 30 per cent from the date of discharge. The period of 10 per cent rating dates from September 2, 1921, to May 5, 1922, and then 20 per cent. This is for a psychoneurosis and not for epilepsy.

Mr. HUDDLESTON. When was he given the 30 per cent rating?

Doctor HOLZ. He was given the 30 per cent rating in the year 1921, after his first examination.

Mr. HUDDLESTON. Has he been reduced?

Doctor HOLZ. He was reduced after his period of observation in the hospital, beginning January, 1921, and ending in September, 1921, when it was convincingly shown that he does not have epilepsy.

Mr. HUDDLESTON. When was he reduced to 20 per cent?

Doctor HOLZ. He was reduced to 10 per cent at that time, and subsequently raised to 20 per cent.

Mr. HUDDLESTON. He is now receiving 20 per cent?

Doctor HOLZ. Yes.

The CHAIRMAN. Would you assume from the record as you have it that he was able to do work and bring in a reasonable return for his service?

Doctor HOLZ. The question of the rating of psychoneuroses is one of the most difficult, and inasmuch as it lies within the man's own personality and consciousness solely and only, there is both an unconscious and a conscious tendency to perpetuate the disability and to aggravate it; and circumstances, extraneous circumstances, such as the compensation or other benefits that might accrue, could serve as an additional basis for the aggravation of the disability. I would say that if this man could be convinced of the unreality of his disability and of its functional nature, that there is no reason why he could not be self-sustaining. On the other hand, so long as he is in his present state he will not, of course, make any very favorable progress, nor will he be a very useful member of industrial organizations or anything of the kind.

The CHAIRMAN. Well, if by the same token you may not be able to persuade him, and by virtue of that condition he is no good, while that spell is on him is he entitled to get a better rating?

Doctor HOLZ. Without attempting to go into the moral rights, there is, of course, a certain thing that we try to keep before our minds without making any effort to safeguard the Treasury or anything of that kind by administrative measures. Of course, I do not want anybody to think that we have that sort of philosophy at the bureau. We know that as a therapeutic measure the extension of unreasonable sums of money in a case of this kind is a direct aggravation of the disability, a direct cause for aggravation of the disability. And it is quite possible that that has played some part in the reduction as low as 10 per cent and the present rate of 20 per cent.

The CHAIRMAN. In other words, you think that the effect of an ice bag would be more likely to bring him to than the soothing effects of a warm flannel poultice?

Doctor HOLZ. Any stimulating thing that would attempt to bring this man to a realization that the cure for his disability lies within himself, and to get him away from his conviction that he is seriously disabled, would be a benefit to him.

The CHAIRMAN. Any other questions to ask with reference to that matter? If not, will you have the counsel meet Mr. Lea's inquiry as to the heirship proposition.

Mr. HUDDLESTON. I want to ask a question before the doctor goes.

The CHAIRMAN. Very well, you may ask him now.

Mr. HUDDLESTON. I want to find out something about the system of ratings of disabled persons. Have you an order or rule which controls the ratings which a claimant should receive?

Doctor HOLZ. Yes, in accordance with the provisions of paragraph 4, section 302, article 3 of the war risk insurance act, the bureau has compiled a schedule of ratings, mostly for the purpose, as defined in the act, of rating permanent injuries of a specific nature, but inasmuch as that implies that some scheme of ratings must be devised by the bureau, that rating schedule also comprises the temporary ratings, as well as the permanent ratings. It is divided into sections representing the several major branches of medicine and surgery—the surgical, general medical, eye, ear, nose, and throat, neuropsychiatric, tuberculosis, and dental tables. In addition to that there is a combined rating table for the rating of combinations of injuries of different character.

Mr. HUDDLESTON. What do you do in a case in which the aggregate ratings on several disabilities exceed 100 per cent?

Doctor HOLZ. Under the combined rating table they do not exceed 100 per cent. That is why we have the rating table which is a mathematical calculation by taking from 100 the major disability, the minor disabilities are computed on the remaining basis. I may say in that connection, that if the disability appears to be actually total, in spite of the fact that the combined table would not give him total, that he is rated on the total basis.

Mr. HUDDLESTON. What is the rating, say, for one arm off?

Doctor HOLZ. The rating for a major disability, for one arm off at the shoulder?

Mr. HUDDLESTON. Yes.

Doctor HOLZ. Ninety-four per cent, if I remember right; right arm of a right-handed man, permanent partial.

Mr. HUDDLESTON. Total deafness?

Doctor HOLZ. Total deafness, permanent partial, 65 per cent.

Mr. HUDDLESTON. So that is a man might have an arm off and with total deafness he would not receive 100 per cent?

Doctor HOLZ. If he would be totally permanently disabled.

Mr. HUDDLESTON. You combine these tables in the case of every man that has more than one service connected with his disability?

Doctor HOLZ. Yes.

Mr. HUDDLESTON. And if one is 5 per cent, say, and the other is 5 per cent, you give him a 10 per cent rating?

Doctor HOLZ. Yes; if they are permanent injuries.

Mr. HUDDLESTON. Suppose they are temporary disabilities?

Doctor HOLZ. Temporary disabilities of less than 10 per cent are not rated on the percentage basis.

Mr. HUDDLESTON. Suppose a man had 10 disabilities, each of a service connection, and each less than 10 per cent. He would not receive any compensation?

Doctor HOLZ. They are all of them temporary disabilities?

Mr. HUDDLESTON. Yes.

Doctor HOLZ. Yes; of course you must consider the man as a whole, as an individual, and if the man is in point of fact by the aggregate of his disabilities disabled to 10 per cent he would be rated at such a rating. But if the disabilities are major, hyper-

trophy of the tonsils, dental caries, very slight otitis media, a gunshot scar, and these do not disable him in any way.

Mr. HUDDLESTON. Well, disabled to some extent, we will say 5 per cent.

Doctor HOLT. Well, of course a gunshot wound there is a permanent injury of a specific nature.

Mr. HUDDLESTON. Or flat foot, that you rate at say 5 per cent; would you not add all those together?

Doctor HOLT. Well, we do not rate those 5 per cent though. The disability of the tonsils, for instance, which is the hypertrophy of the tonsils, and upon which there is no basis to predict any actual percentage of rating, was rated as simply less than 10 per cent, entitled to treatment, service connection, under the provisions of section 13.

Mr. HUDDLESTON. If he had all of these things, all of these disabilities, which if added together would aggregate, we will say, 25 or 50 per cent, yet he will receive no compensation?

Doctor HOLT. If the man is actually disabled by the aggregate of these disabilities, if there is a criterion upon which you can determine that this man as a whole, as an individual, has sustained a reduction in his earning capacity, that these are not simply pathological conditions disclosed on examination which are not in point of fact disabling, but are merely abnormal conditions, he would then be entitled to a rating on what his aggregate disability would be, considering him as an individual, and not split up into separate systems.

Mr. HUDDLESTON. Does that statement that you have just made appear from your regulations and your rating tables?

Doctor HOLT. Possibly not in that form. Disability it would be difficult to find out in a concrete way.

Mr. HUDDLESTON. It is a practice of the bureau, then, rather than a written rule of the bureau?

Doctor HOLT. Yes, sir.

Mr. HUDDLESTON. Mr. Chairman, would there be any objection to putting those rating tables in the record?

The CHAIRMAN. I don't know myself what the attitude of the bureau might be on that.

Doctor HOLT. The bureau has never made a practice of publishing its rating table. It has never considered it as a secret document. In case of anybody who had a reasonable request for it, for instance a scientific body interested in rating compensation cases, we would supply it for the purpose of statistics or study, or to any person who might have some real purpose in asking for it. It has not been a practice to send it out simply to invite suggestions or criticism.

Mr. HUDDLESTON. Of course, Congress is engaged in legislating on the subject, and is very much interested in anything pertaining to the subject that would throw light upon it.

Doctor HOLT. I do not see that there would be any objection to producing that document here if it should be the sense of the committee that it should be brought here.

Mr. HUDDLESTON. What is the origin of the rating table?

Doctor HOLT. I have been in the bureau since December, 1919. Before I came there, there was a table in existence. It was compiled, I understand, by representatives of the bureau working in conjunction with certain experts in rating outside of the bureau, whom I can not name, except a certain Doctor Holt, from New England. I think Boston, who is acknowledged to have had probably more information on the rating of compensation cases than any other person in this country.

Mr. HUDDLESTON. You are still using that table that was in force when you got there?

Doctor HOLT. No; that was the original table. Now, in accordance with the injunction laid down in paragraph 4 of section 302, the bureau has from time to time made such changes and revisions of those ratings as has appeared necessary in the light of the bureau's experience. All of the rating tables of the various allied governments in the war, and even the enemy governments, have been considered, and have been compared in compiling our rating of degree of disability, and in addition to that we have from time to time submitted our rating schedule to representative men, specialists in their particular lines. For instance, our eye, ear, nose, and throat table has been reviewed by specialists in those branches. Our neuropsychiatric table has been twice submitted to the most eminent neuropsychiatrists in the country, and was presented formally to them last February and such changes as they have suggested have been incorporated in it where there was any occasion for it.

Mr. HUDDLESTON. A very large percentage of the claimants seem to have tonsillitis, or diseases of the tonsils. And they are discharged from the Army in apparently sound

condition. This trouble comes later. Now, what is the presumption indulged by the bureau in reference to a disability of that kind?

Doctor HOLT. A disability of that kind in infectious—

Mr. HUDDLESTON. Hypertrophied tonsils is usually what it is.

Doctor HOLT. Yes. Unless there is some reasonable proof that that thing was present at the time of discharge it is not considered as connected with the service. The man is permitted to show in fact that that was present at the time of the discharge, however, either by lay evidence or medical evidence.

Mr. HUDDLESTON. How long after discharge may a man make proof of chronic disease of the tonsils with the presumption that it existed during service?

Doctor HOLT. Well, he may make proof at any time, but do you mean what date would he have to show it to show service connection?

Mr. HUDDLESTON. Yes; say that he makes proof that at three months after he was discharged he had this chronic condition of the tonsils.

Doctor HOLT. If it were simply a chronic infectious condition, which is a low-grade infection, the service would not be regarded as having contributed anything towards that disability. But if it was a large grossly enlarged tonsil, evidently of long standing, it would be proper to hold service relation for that.

Mr. HUDDLESTON. Well, we will say 30 days after discharge.

Doctor HOLT. It would still be governed by the pathology that you would find in the case.

Mr. HUDDLESTON. A chronic condition existing within 30 days.

Doctor HOLT. You understand that the term "chronic" does not refer to the duration of the condition. It refers to the pathological character underlying it.

Mr. HUDDLESTON. Could you distinguish between chronic and acute?

Doctor HOLT. Yes.

Mr. HUDDLESTON. And of course, an acute inflammation may arise immediately, but a chronic inflammation evidently has existed for some time.

Doctor HOLT. Well, a chronic condition may rise immediately if the underlying character of the thing is such that it is not acute.

Mr. HUDDLESTON. And you would think that if it occurred within 30 days, what you call "a chronic condition," there would be no rightful presumption that it existed in service or originated in service?

Doctor HOLT. I would say that that would be governed by the pathology that you would find in the case. If you found a pathology that existed over a long period, of long standing, you could judge of it.

Mr. HUDDLESTON. When you say "long standing" it is such a vague term that I do not get much out of it.

Doctor HOLT. Well, by "long standing" I mean something that has existed for months.

Mr. HUDDLESTON. Of course, if it was obvious that it existed for months, that would be, of course, taken back maybe before he entered the service.

Doctor HOLT. Yes.

Mr. HUDDLESTON. But a chronic enlarged tonsil, it occurs to me, could not arise within two or three weeks.

Doctor HOLT. Very probably not, if you want to consider every element of the tonsil; no. A considerable enlargement could occur in three or four weeks. But I think you will find that the bureau has not been overemphasizing the requirements of proof of service in general in the majority of its disabilities, and there have been thousands of tonsils which have been afforded medical relief and treatment by the bureau where there is certainly no very valid pathological or affidavit proof of service origin.

Mr. HUDDLESTON. Well, that treatment has been accorded on one basis, and the compensation has been awarded on another.

Doctor HOLT. Yes.

Mr. HUDDLESTON. So the two are not necessarily connected?

Doctor HOLT. In the matter of service origin, granting that we have service origin for the hypertrophied tonsils, then the rate of compensation would be determined according to the manner and the degree that that interferes with his earning capacity, as to how much that reduced it.

Mr. HUDDLESTON. What presumptions arise from a statement in a soldier's record of discharge in "sound physical condition"? Do you give great weight to that?

Doctor HOLT. No, sir.

Mr. HUDDLESTON. We know that very slight and imperfect examinations were given upon discharge. I didn't know what weight you would give to the certificate of this discharging surgeon.

Doctor HOLT. I would say we give practically none. If there was an examination made at the time and something was found, of course that would be considered. But the notation "good" would make no difference.

I would like to make a statement in connection with a question that you asked a day or two ago regarding disabilities that existed prior to enlistment. That is a statement that we put on every rating sheet where we have proof that the disability existed prior to the enlistment. That does not bar a man from receiving compensation. If a doctor examines the case and finds a disease which evidently did exist prior to enlistment, he puts that finding on the rating sheet, that it did exist prior to enlistment. The thing that determines his right to compensation would be the percentage of disability given for that injury.

Mr. HUDDLESTON. I do not understand that.

Doctor HOLT. The percentage rating will be the thing that will determine whether he gets compensation or not. For instance, the man who has 30 per cent disability, let us say, and the finding is made that it existed prior to enlistment, not noted at time of enlistment, considered as service incurred under the war-risk insurance act, that man is entitled to his 30 per cent compensation under that act. The fact that it existed prior to his enlistment is based on the information that existed in the files.

Mr. HUDDLESTON. Suppose it is only 10 per cent?

Doctor HOLT. If it is only 10 per cent disability, he would have his 10 per cent rating, and if he is disabled less than 10 per cent, he would be rated at less than 10 per cent.

Mr. HUDDLESTON. There seems to be a conflict in the statement between yourself and the gentleman who spoke two or three days ago. I understood him to say that where it was found that the disability existed at the time of enlisting, even though not noted.

Doctor HOLT (interposing). Now there is a class of cases where you not only find that a disability existed prior to enlistment, but where you have affirmative proof that that disability was not in any way incurred or aggravated subsequent to April 6, 1917, and finding to that effect is made. That does not mean simply that you have in an academic or practical way established that it did exist prior to enlistment. It is only in a case where you have affirmative proof of a positive nature that it was not in any way incurred or aggravated since April 6, 1917, such as the admission of the claimant himself. Such, particularly, as the case of a man, for instance, let us say, who is in an insane hospital, who runs away from that insane hospital and enlists in the service while he is in that condition, and stays in the service a week and is found to be insane and sent back to the insane hospital where he came from.

Mr. HUDDLESTON. What would you say about the case that I cited a while ago, about the man who is held to be a moron and hence noncompensable after he has served, and so on? Is that in accordance with the bureau's established practice?

Doctor HOLT. The moron is rated in accordance with his disability, his reduction in earning capacity. If the moron has sustained a reduction in earning capacity as the result of his moronism he is entitled to a rating upon that disability. On the other hand, I do not think that there would be any basis upon which you could desire to predicate a schedule of ratings based on mental ages. These are averages; those are relative conditions. The practical thing is not whether this man is mentally defective or not, but whether or not he has sustained a reduction in earning capacity resulting from his disability.

Mr. HUDDLESTON. Well, in this case that I have in mind the claimant's claim was rejected on the ground that he was a moron; that his disability existed before entering the service.

Doctor HOLT. Was it rejected on that basis or on the basis that he was not disabled?

Mr. HUDDLESTON. On the basis that he had the disability when he entered the service, and same had not been aggravated. And yet he had stood numerous examinations. And he had served as a corporal.

Doctor HOLT. There is no reason why he could not serve. Moronism in itself is not a disability.

Mr. HUDDLESTON. In that particular case he had been a warrant officer.

Doctor HOLT. Moronism in itself is not a disability.

Mr. MAPES. I am not sure that I understood one of your answers to Mr. Huddleston's question. Is it possible in any case for a man whose disease or defect existed prior to enlistment to get compensation unless that is aggravated during his service?

Doctor HOLT. Yes; there was a presumption of aggravation in every case where there was no notation of disability at the time of the enlistment.

Mr. MAPES. Unless the percentage was fixed at the time of enlistment he gets compensation if it is shown that he has 10 per cent or more since his discharge?

Doctor HOLT. Yes; and that disability is not computed upon the percentage of aggravation. He is rated on a disability as if it were service incurred.

One thing I would like to say is that the expression "any other psychiatric diseases" should be eliminated from the law, because that expression has no meaning. It is a

corruption, a slang expression, if I may say it, that has crept into scientific circles. During the war there was established in the Army a certain scientific group of physicians, medical officers who were in charge of the treatment and management of these cases that would ordinarily fall to the neurologist or the psychiatrist in the usual practice of this. This group was known as the neuropsychiatric section, from a fusion of the words "neurological" and "psychiatric."

Psychiatry is a study of the diseases of the mind. But its adjective form "psychiatric" can not be used as applying to mental diseases. Therefore you could say "a psychiatric society"; a "neuropsychiatric section" of the Army, of the Veterans' Bureau. You can say that because it refers to problems dealing with nervous and mental diseases. But the transference of that expression to the diseases covered as "neuropsychiatric diseases" is an incorrect use of that word.

In practice the bureau has encountered a great deal of difficulty in the administration of the act, using the expression "neuropsychiatric diseases," and with due deference to the people who incorporated that in the act, it is quite evident that the difficulties that would surround the attempt to put the act into effect was not brought before the attention of the legislative body drafting the act.

Now "neuropsychiatric," inasmuch as it has no meaning, is susceptible of all sorts of interpretations and definitions. Broadly, it might include every case rated in the neuropsychiatric section. I do not see that that would be a just basis for a decision of a case. The fact that a claim should be in 812, neuropsychiatric section, would not be a sufficient basis for granting service connection within two years over and above a case rated in 814 that would not fall to the neuropsychiatric section, such as nephritis, rheumatism, etc.

The greatest difficulty is encountered in those cases that are demonstrably not in any way traceable to service. Take a man who has typhoid fever 18 months after he is discharged. Obviously that is not traceable to the service, and yet if he develops an infection exhaustion psychosis as the direct result of his typhoid, that would be considered as a neuropsychiatric disease in the very broadest application of that word.

Similarly, in a case of pneumonia, where toxic delirium develops, that would be considered a neuropsychiatric disease if the broadest definition of that word were adopted. Yet this would be obviously unfair in the case of pneumonia that happened to have no delirium or mental involvement, and would therefore be excluded, although the original disease, pneumonia, is as much of service origin in one case as in the other.

There are a large number of conditions that under one interpretation of that expression "neuropsychiatric" would fall under the act and I think, therefore, it is incumbent upon us to adopt some word that will sufficiently identify these conditions clinically to allow no error in judgment to operate in the administration of the act.

"Neuropsychiatric disease" is in no way an analogous expression to the term "tuberculous disease." There you are dealing with a definite clinical entity.

In the case of the diseases that fall under the nervous and mental classifications, if you intend to include certain ones it would be better to enumerate them specifically, so the psychoses, the psychoneuroses, and the epilepsies should be incorporated in this. There is no question that this group should be added to the act, but the expression "the epilepsies" should be used, and not "epilepsy" for the purpose of proper identification.

"Psychosis," "psychoneurosis," and "the epilepsies" not due to organic disease or infectious disease or injury would properly identify these conditions. For example, the psychosis that might be directly traceable to organic disease such as nephritis, to an infectious disease such as meningitis or encephalitis, or to an injury such as a gunshot wound of the head sustained or received long after discharge, would in reality fall under the provisions of this act unless some qualifying phrase is given.

In this connection your attention is invited to section 29, page 2, line 22, which has been proposed by the bureau as an appropriate addition to section 409 of the act. The expression "neuropsychiatric" should be stricken out, and the words "mentally incompetent" substituted.

Mr. HUDDLESTON. Would you include any other disease except epilepsy?

Doctor HOLT. I would say "mentally incompetent" instead of using the expression "neuropsychiatric." And "the epilepsies," "the epilepsies" being the correct expression; it includes a group of cases.

Mr. HUDDLESTON. You would not add any other diseases?

Doctor HOLT. I don't think of any other classification of diseases that might be properly incorporated in this provision, unless you would want to include possibly endocarditis and functional heart disorders.

Mr. HUDDLESTON. You would not use a term like "insanity" or "dementia"?

Doctor HOLT, No; because I think "psychosis" is a more elastic phrase. It includes all forms of mental aberrations.

The CHAIRMAN. Anything else you want to add, Doctor?

Doctor HOLT, No, sir; that is all I have to say.

The CHAIRMAN. We are much obliged to you.

**FURTHER STATEMENT BY MR. R. W. COOLEY, ASSOCIATE COUNSEL,
UNITED STATES VETERANS' BUREAU.**

Mr. LEA. Mr. Cooley, yesterday a question arose as to the interpretation of section 15. As I understand it, that section provides for the distribution of the monthly installments payable and applicable, after the death of the insured, "to such person or persons within the permitted class of beneficiaries as would, under the laws of the State of residence of the insured, be entitled to his personal property in case of intestacy."

Mr. McDuffie, of Alabama, was here yesterday, and he related a case in which an ex-service man was insured in favor of his father. His father died, and the insurance was paid in monthly installments to four brothers and sisters. After part of them were paid the sister died, leaving two minor children. It was stated that the bureau then gave those children a one-eighth part, and that the other eighth that the mother was receiving before her death was given to the three surviving brothers and sisters, contrary to the general distribution under the laws of Alabama.

Now, the point as I understand it is that this section provides for the redistribution of installments due when certain contingencies occur. Now, when these redistributions are made do you redistribute the whole amount due, or do you apply the redistribution simply as affecting that one heir who has passed away?

Mr. COOLEY. We distribute simply the part that has fallen in by the death of the former beneficiary.

Mr. LEA. What is the justification for making that distribution instead of making it apply to the monthly installments payable and applicable?

Mr. COOLEY. The law says, "if any person to whom such yearly renewable term insurance has been awarded dies." Now, when he dies the portion that is to be paid to him is redistributed.

Mr. LEA. The portion that is yet payable to him is redistributed?

Mr. COOLEY. The portion that is yet payable to him should he survive.

Perhaps to put it concretely would explain it better. Take this situation that was put up here yesterday. As I understand it, the insured made his father his beneficiary. Upon the death of the father there were a certain number of installments of insurance left. Those were, under the law of Alabama, distributed to the four brothers and sisters of the insured. Consequently it was divided into four equal parts, each one of those brothers and sisters was given one-fourth of the installments due. One of the sisters died, leaving children. Of course, the rights of the three brothers and sisters still surviving are not affected by the death of the one.

Mr. LEA. Why do you say that?

Mr. COOLEY. How are they affected? Their installments are payable to them anyhow.

Mr. LEA. Well, that is the point. The statute says—true says, that it is only when

Mr. COOLEY. It seems to me that that is what the statute says, that it is only when a beneficiary dies that any readjustment takes place, and that redistribution can only affect the part belonging to the beneficiary who dies. I do not see how we could distribute any other way. I see what your theory is; it is that we ought to throw the whole amount of insurance into a redistribution.

Mr. LEA. Yes.

Mr. COOLEY. Of course that is a matter of statutory construction. We have never construed it that way.

Mr. LEA. The statute says: "Then"—that is, when the death of the beneficiary has occurred—"the monthly installments payable and applicable shall be payable." For illustration, say we have \$4,000 of insurance. One thousand has been paid the four heirs, and there is remaining \$3,000. Then one heir dies. Then it says "the monthly installments payable and applicable." That is, this \$3,000 which is payable and applicable, not simply one-fourth of that amount.

Mr. COOLEY. You are correlating the words "payable and applicable" with the whole amount of the insurance, whereas it seems to me in my conception of it—that has been the conception of the bureau—that the expression "installments payable and applicable" refers to the installments that were due the person who died.

Mr. LEA. I am not contending with you, but I do not see any justification for that interpretation. Here it provides how this insurance shall be paid, and then after

the death of one of the heirs it shall be paid—how? In monthly installments payable and applicable. That includes all the balance due, because that is the insurance it refers to.

Mr. COOLEY. Well, there is the point. You are begging the question right there when you say it applies to all the installments due. That is the point in issue, whether it applies to all the installments due or whether it applies to the installments that were due to this particular beneficiary who died.

Mr. LEA. Well, the installments due each heir must be included in that language. It is a monthly installment which is payable and which is applicable regardless of who the heir may be.

Mr. COOLEY. Well, there it is. If you construe it your way, you are right; if you construe it my way, you are wrong.

Mr. HUDDLESTON. Judge Cooley, has that section been construed by any court?

Mr. COOLEY. I am unable to say whether this particular question has ever arisen. We have had two or three cases decided in which the distribution of insurance was involved, but whether it involved this particular angle I do not know.

Mr. LEA. And then there is a provision how these installments payable and applicable shall be applied—"to such person or persons within the permitted class of beneficiaries"—that is a limitation—"as would, under the laws of the State of residence of the insured, be entitled to his personal property in case of intestacy."

Of course, when he dies intestate, under the ordinary American State law these surviving minor children will succeed to the right of the mother, and the heirship on this redistribution is determined as in the case of intestacy, which means that they inherit by representation from the parents. If you should make a redistribution and give the surviving heirs a proportionate share every time a death occurs, the result would be that you would cut out, of course, the heir that is in the direct line of descent.

Mr. COOLEY. No. I think this is what follows. The construction the bureau has put upon the redistribution prevents the insurance from passing into the hands of remote relatives and keeps it in the hands of the near relatives. The bureau's theory is that the act intended to provide protection for the near relatives and dependents of the insured, and the system of distribution that we follow has, I think, conserved that idea. That is to say, brothers and sisters would get a larger share than would the nephews and nieces.

Here is another point that is perhaps a part of the argument. I think you are rather assuming that a beneficiary gets a vested interest in the insurance fund, whereas under the very terms of the act the beneficiary does not.

Mr. LEA. No; the law fixes that, and the law determines how the distribution shall be made.

Mr. COOLEY. Of course in this particular case the whole thing hinges upon whether we are right in our construction that upon the death of a beneficiary the whole fund falls into distribution again, or merely the installments that were payable to that particular beneficiary. If the whole fund falls into distribution, then of course the distribution would be very much different from the one that Mr. McDuffie cited here yesterday. If, however, it was simply the portion that the deceased beneficiary had that was entitled to be placed in redistribution—I do not remember what he stated, but I think it would probably be correct. That is, in that case there was one-fourth to be distributed, and one-fourth of that one-fourth would go to each one of the surviving brothers and sisters, and one-fourth of the one-fourth to the representatives of the fourth sister who died.

Mr. LEA. As a practical proposition, if the Congress wants those children to succeed to the full one-fourth, is it necessary for us to change this section?

Mr. COOLEY. I think it is. I think you would have to make a provision by virtue of which the heirs of the beneficiary would take.

Mr. LEA. Of course it has always been the policy of the law, as I understand it, to favor descent in the direct line instead of the collateral line.

Mr. COOLEY. In other words, in order to avoid the danger of making this insurance vest in the beneficiary, you would have to provide that the whole fund should be thrown into redistribution. I think it would have to be provided specifically that the whole fund should be thrown into a redistribution.

Mr. SWEET. It says here very plainly that it shall be divided according to the laws of the State where the soldier resided, and you have no authority, as I see it, to go to work and take this particular share and put it back again as though he died on the day his sister died. Under the plain language of the Alabama statute, if Mr. McDuffie's statement is correct, the children would be entitled to the share that the mother was entitled to.

Mr. COOLEY. Well, as I say, Judge Sweet, the whole question turns upon the construction of those words "the monthly installments payable and applicable." What monthly installments? Does it mean the whole monthly installments—

Mr. SWEET. I can not view it in any other light.

Mr. COOLEY. Of course, I am not responsible for the construction that was put on it; I am simply following it. That has been the construction of the bureau from the earliest time, that it only referred to the installments that fell in. We may be wrong.

Mr. LEA. In further corroboration of the view of Mr. Sweet and myself, you will see that in the fourth line it says, "before all of the 240 monthly installments have been paid, then the monthly installments payable and applicable shall be payable."

Mr. COOLEY. Of course each one of these beneficiaries gets 240 installments, even though they are only drawing a sixteenth of the total insurance.

Mr. LEA. Well, I think that "the"—"the installments payable"—refers to all that has not been paid.

Mr. DENISON. Why, it means all of the installments that have not been paid the one who died.

Mr. LEA. It refers above to the one concrete term insurance. It does not discriminate between beneficiaries; it says "insurance."

Mr. DENISON. I interpret it exactly as you do, Judge Cooley. If you will read down further, it says, "then the monthly installments payable and applicable shall be payable to such person or persons within the permitted class of beneficiaries as would, under the laws of the State of residence of the insured, be entitled to his personal property in case of intestacy." The pronoun "his" refers to the insured and not to the person who is drawing the monthly installments. So it is very plain to my mind that if one of the beneficiaries dies, then the installments that have not yet been paid shall be paid to those who would be the heirs of the insured under the laws of the State and not to the heirs of the beneficiary who died.

Mr. SWEET. Just read the next sentence: "And if the permitted class of beneficiaries be exhausted before all of the 240 monthly installments have been paid, then there shall be paid to the estate of the last surviving person within the permitted class the remaining unpaid monthly installments."

If that is followed, the nieces of the deceased sister are within the permitted class of beneficiaries and are entitled to it, so that if you follow it down, after the nieces die, etc., it would go to the estate of the last survivor of the insured. There is not any question but what that was put in to meet that very proposition. And not only that, but to meet the proposition that it must stay with the blood heirs of the soldier, except when it comes to the last survivor in the permitted class. If you put any other construction on it you get into difficulties.

Mr. COOLEY. That last clause was, of course, put in there to prevent an entire lapse of the insurance.

Mr. SWEET. Certainly.

Mr. COOLEY. Then it goes to the estate of the last survivor.

Mr. SWEET. And for another purpose, that is so that it will stay within the permitted class except the last survivor.

Mr. COOLEY. But if it goes to the estate of the last survivor it may pass out of the blood of the soldier altogether.

Mr. HUDDLESTON. Judge Cooley, does the bureau collect decisions of the courts construing this law?

Mr. COOLEY. There have been only a few decisions. There have been very few cases tried construing this act. We have them, of course, in the Federal Reporter.

Mr. HUDDLESTON. Do you hear that in mind and keep them accessible?

Mr. COOLEY. Oh, yes; we have the Federal Reporter.

Mr. HUDDLESTON. Would it trespass upon your time to insert in your statement a reference to those cases, so that we may be able to find them?

Mr. COOLEY. If there are any applicable, do you mean?

Mr. HUDDLESTON. Not with reference to this particular section but to the whole war risk act. If you have collected those cases, it would be quite useful to us to know where to find them so that we may look at them.

Mr. COOLEY. Yes; I shall be glad to do that.

The CHAIRMAN. You may send those to the clerk of the committee to be embodied in your testimony. Mr. Breining, have you anybody else from the bureau that desires to be heard?

Mr. BREINING. No, sir.

STATEMENT OF MR. EDWARD MCGE LEWIS, AMERICAN LEGION, WASHINGTON, D. C.

Mr. LEWIS. Mr. Chairman, during Mr. Taylor's testimony last Saturday he was asked by Mr. Huddleston and Mr. Hawes to draw up certain proposed amendments to the bill H. R. 14003 and submit them to the committee. I have them with me this morning and would like to have the privilege of reading them into the record.

The CHAIRMAN. Would it be agreeable to you to have them published without reading them?

Mr. LEWIS. Yes, sir.

The CHAIRMAN. If there is no objection, that will be done. The chair hears no objection. They will be embodied in the record.

(The proposed amendments referred to are here printed in full, as follows:)

JANUARY 31, 1923.

The following is proposed as an amendment to section 2, on pages 3 and 4 of H. R. 14003, which would then read as follows:

"Sec. 2. That section 300 of the war risk insurance act, as amended by the act approved August 9, 1921, is hereby amended to read as follows:

"Sec. 300. For death or disability resulting from personal injury suffered or disease contracted in the line of duty on or after April 6, 1917, or for an aggravation of a disability existing prior to examination, acceptance, and enrollment for service, when such aggravation was suffered and contracted in the line of duty on or after April 6, 1917, by any commissioned officer or enlisted man, or by any member of the Army Nurse Corps (female), or of the Navy Nurse Corps (female), when employed in the active service under the War Department or Navy Department, the United States shall pay to such commissioned officer or enlisted man, member of the Army Nurse Corps (female), or of the Navy Nurse Corps (female) or, in the discretion of the director, separately to his or her dependents, compensation as hereinafter provided; but no compensation shall be paid if the injury, disease, or aggravation has been caused by his own willful misconduct. That for the purposes of this section every such officer, enlisted man, or other member employed in the active service under the War Department or Navy Department who was discharged or who resigned prior to the date of approval of this amendatory act, and every such officer, enlisted man, or other member employed in the active service under the War Department or Navy Department on or before November 11, 1918, who hereafter is discharged or resigns, shall be held and taken to have been in sound condition when examined, accepted, and enrolled for service, and any disability or aggravation thereof from which the ex-service man is found to be suffering, shall, if not made of record by proper authorities of the United States at the time of or prior to inception of active service, be considered as fact to have been contracted in line of duty, and he shall be held to have been in sound condition when examined, accepted, and enrolled for service: *Provided*, That an ex-service man who is shown to have psychosis, neurosis, or psychoneurosis, not due to an infectious disease nor in organic disease or injury, or is shown to have an active tuberculosis disease (of more than 10 per centum degree of disability in accordance with the provisions of subdivision (2) of section 302 of the war risk insurance act, as amended) developing within five years after separation from the active military or naval service of the United States, shall be considered to have acquired his disability in such service or to have suffered an aggravation of a preexisting psychosis, neurosis, psychoneurosis, or tuberculosis in such service, but nothing in this proviso shall be construed to prevent a claimant from receiving the benefits of compensation and medical care and treatment for a disability due to these diseases of more than 10 per centum degree (in accordance with the provisions of subdivision (2), section 302, of the war risk insurance act, as amended) at a date more than five years after separation from such service if the facts of the case substantiate his claim. This section shall be deemed to be in effect as of April 6, 1917."

JANUARY 31, 1923.

The following is proposed as an amendment to section 3, on page 5, of H. R. 14003, which would then read as follows:

"Sec. 3. That the second paragraph of subdivision (g) of section 301 of the war risk insurance act December 24, 1919, is hereby amended to read as follows:

"Where a person dies before or after discharge or resignation from the service as a result of injury or disease compensable under this act or while a claimant of the United States Veterans' Bureau dies in an institution under the jurisdiction of the United States Veterans' Bureau, the United States Veterans' Bureau shall pay the

following sums: For a flag to drape the casket, and after burial to be given to the next of kin to the deceased, the sum of \$5; also for burial expenses and return of body to his home, a sum not to exceed \$200: *Provided*, That if the expense of the transportation of the body exceeds \$200, the United States Veterans' Bureau shall pay the actual cost of said transportation."

STATEMENT OF MR. WATSON R. MILLER, NATIONAL VICE COMMANDER, AMERICAN LEGION, WASHINGTON, D. C.

Mr. MILLER. I rise, Mr. Chairman, to suggest that section 13 of the act of August 9, 1921, be amended by the addition of the following provision:

"*Provided further*, That any discharged member of the military or naval forces who served between April 6, 1917, and November 11, 1918, both dates inclusive, who is now or may hereafter become disabled by reason of tuberculosis, psychosis, or epilepsy, will be entitled to treatment in hospitals operated by the United States Veterans' Bureau, that transportation to and from the hospital will be paid by the bureau, compensation, and other allowances provided in article 3 of the war risk insurance act being payable only in the event the disability was incurred in or aggravated by service as provided in article 3."

Mr. Chairman and gentlemen of the committee there are many experts in the Veterans' Bureau who believe that we have reached the hospitalization peak in the matter of the care of former service men who suffer from disabilities of service connection. I have been shown charts and statistics which evidence a claimed fact that our neuropsychosis cases and tuberculosis cases are running far below estimates made in 1919 and considerably below later estimates made. A member of this committee has stated his belief that we will likely have a lot of vacant beds unless we have added legislation. There has been delay in the construction and locating of authorized hospitals, but they will finally reach physical completion and we feel that when completed they should be put to good and intelligent use.

Veterans of the Spanish War, the Philippine insurrection, and the Boxer rebellion are already accorded the facilities of the Veterans' Bureau through the provisions of section 4, Public 194, Sixty-seventh Congress, which was approved April 20, 1922.

State institutions are ordinarily overcrowded and are, I submit, speaking from an emotional viewpoint at least, not just the proper sorts of places to send our former soldiers who are suffering from continuing and often progressive forms of diseases set forth in the suggested amendment. It is, moreover, difficult to get mental cases placed in reputable private hospitals except at a great cost. If the amendment proposed is adopted into the law it is likely that only those former service men and women who are in real need of treatment and advice and in needy or poor circumstances as to funds would apply for admittance to these hospitals. It is conceivable that many of these might eventually become charges of the people under ordinary and prevailing conditions, and so I say, let us undertake to treat and possibly cure these men and among their buddies in the great hospitals which are being made available by a people which remembers. If we can do something toward cleaning up tuberculosis and can bring back to rationality a measurable number of our comrades who have become mentally afflicted a great thing will have been done for the generation in which we live and those which will follow us. Really should not this Nation accord to its defenders every need of physical comfort and mental serenity with such treatment as may be necessary looking toward bringing them back to a proper position in our economic structure.

I have not attempted to support this amendment with statistical data, but I should like to say that it is probable that all cases possible, speaking now of the N. F. group, should be cared for in out-patient clinics where every possible spontaneous instinct toward self-help and increasing self-reliance can be encouraged. I have been advised that where the load becomes too great for existing facilities it would be comparatively easy to add buildings and equipment at established plants.

I have briefly presented this proposition, the substance of which, to my mind, is sound, as a consideration of human decency and economic worth. If the committee should yield a sympathetic ear to the idea and should deem the reasoning valid, I venture to suggest the desirability of calling upon the Veterans' Bureau for technical and statistical testimony as to its feasibility.

Let me say very briefly that hospitalization seems to be decreasing to a very marked degree. Ordinarily we have more men in the hospitals in the cold weather—I am speaking of all the hospitals operating under the Veterans' Bureau—than we have in warm weather. Last February at this time we had in all of the hospitals, contract and otherwise, 30,868 men at this date. In the summer time the number is usually lower; in the middle of June we had 26,869. The last report of the Veterans' Bureau,

of about a week ago, which I have here, shows a total of 25,275, nearly 6,000 less than we had a year ago at this time.

Mr. SWERT. Then it has not come up during the winter season?

Mr. MILLER. It has not come up during the winter season of this year.

With relation to the number of men who might likely make application, I have to say that of those veterans of the Spanish war, the Boxer rebellion, and the Philippine insurrection who were accorded hospital facilities, only 38 have availed themselves of them; 19 are veterans of the Spanish-American War, 3 of the Boxer rebellion and Spanish war, and 16 of all these three wars. I cite that to support a feeling which I have that when the hospitals are finally erected, if we extend this beneficence to our comrades who are unfortunate mentally and physically and as to financial condition, they will probably not be overcrowded, because only a man who is in great need will apply for admission to a veterans' hospital.

ADDITIONAL STATEMENT OF MR. JOSEPH SPARKS, CHAIRMAN NATIONAL REHABILITATION COMMITTEE, AMERICAN LEGION, WASHINGTON, D. C.

Mr. SPARKS. Mr. Chairman, the American Legion by a resolution has asked that the period in which the service origin of neuropsychiatric cases is to be assumed, be extended to five years. As the best testimony we have in support of that I want to read to you a telegram which I have just received from Dr. Thomas W. Salmon, who is considered an expert on the subject. I would like to read this telegram into the record.

The CHAIRMAN. Very well; you may read it.

Mr. SPARKS. Doctor Salmon says:

"From personal study condition insane ex-service men in Government, State, and local hospitals extending over four years, am deeply convinced that present situation requires as act of simple justice proposed amendment extending period in which service origin of neuropsychiatric disorders is assumed from two to five years. Otherwise our insane comrades will be unjustly handicapped in their efforts to secure treatment and compensation through the fact that their disability happens to affect the mental faculties with which they must press their claims. Also earnestly advocate appropriations required to carry into effect recommendations of neuropsychiatric conference called by directors Veterans' Bureau last February to consider present and ultimate hospital needs. Failure to do this will result in majority of insane ex-service men remaining in charity institutions to their own continued detriment, the humiliation of their families, and the shame of the Nation for which they went out to war. Experience shows that each permanent veterans' hospital should be provided with a board of citizen managers similar to that of National Home for Disabled Volunteer Soldiers to prevent distant unsympathetic bureau control of matters essentially those of relief and humanitarian nature. No civil hospital for insane, even Government Hospital at St. Elizabeth, operates without this safeguard."

"THOS. W. SALMON."

The CHAIRMAN. Is there anyone else here who has not been heard but thinks he should be? Apparently there is not. Does any member of the committee desire to indicate a call for anybody as a witness? The Chair hears none. This will end the public hearings.

(The following letters were ordered printed in the record at this point:)

WASHINGTON, D. C., January 19, 1923.

Congressman BURTON E. SWERT.

DEAR SIR: Having read letter you received recently from Col. C. A. Pennington re insurance adjustment, I admit there is some ground for his views of the matter. Of course, I realize that it is proper for him to represent, for the insurance department, the conservative side.

Regarding the billion dollars it cost the Government for term insurance, however, if I remember correctly, the Government (or administration) claimed at the time of passage of this Army insurance act to realize full well that the rates charged the men would not cover the losses. I believe the premiums were based on the mortality rates in civil life. It was deemed unjust to charge a man an extra rate for facing the music of the war.

As for my having had some protection during the time I have been paying, I appreciate that fact. But as I have been getting only what you term "fire insurance," I have been paying too high for it.

We did not enter the war for profit. All we want is what is just; in this case what we paid for.

So, suppose we modify my original proposition. Suppose the Government refund—at the option of the man—to men "in my class," i. e., whose rate on converted is prohibitive on account of age, one-half the premiums paid in.

I appreciate Colonel Pennington's mention of the insurance section of the proposed "bonus" or adjusted compensation act.

But, assuming that it should become a law this year; the fact would still remain that comparatively few men in my class would receive any direct benefit. I, for instance, would be 75 before expiration of 20 years.

Why would it not be a good plan to so frame this section of the "bonus" bill as to make this insurance payable in 20 years, or at age 62, if desired? This would distribute payments over a longer period and at the same time give the older men a chance to receive the benefit during their life.

Trusting that I will hear from you as soon as this matter—more particularly as to the refund—shall have been acted on by the committee, I am,

Very respectfully yours,

FRANK M. HEATH.

P. S.—I am making a copy of my letter to Colonel Pennington, which reviews my whole insurance affair, in case you might have use for it; will you kindly return it when you are through with it?

F. M. H.

WASHINGTON, D. C., January 10, 1921.

Col. C. A. PENNINGTON,
Veterans' Bureau, District of Columbia.

DEAR SIR: I enlisted at Camp Humphreys in May, 1918, at age 49—my age having been waived.

In June, 1918, I took out, at the behest of an Army officer, \$7,000 Army, or term, insurance. In September, 1918, in England, en route for France, I took out, also at the behest of Army officers, up to \$10,000, I believe it was.

I was injured in the service, and reenlisted at Camp Lewis, Washington—Portland, Oreg., being my home at that time—on the suggestion of an Army medical officer, for the reason that my injury was such that an operation for such was classed "exploratory" and was not permitted. The object was to give my injury a chance to either correct itself or develop in the service. I believe it was the best they could do for me. I am not kicking on that score. I give this incident as an explanation for remaining in service after the demobilization.

At the time of my being discharged for reenlistment—my age again having been waived—I wanted to drop my insurance, as, according to all data available, I saw that it would be impossible for me to carry converted insurance eventually. I did consider taking "age 62" insurance, hoping to be able to manage that, but could get no rates.

Once I wrote the insurance division regarding rates, but could only get the rates then published, which did not include a man of my age, at that time 50 years.

So, reluctantly, I kept up my term insurance. Finally, however, I succeeded in getting it reduced back to the original \$7,000.

When discharged October 20, 1920, I was still trying unsuccessfully to get the rate for "Pay at 62," so kept up my term insurance.

In April, 1921, after having been operated on—with more or less success—for my injury, I came to Washington to press my claim, not having fully recovered, which, by the way, was allowed.

I at once went to work to get my insurance tangle fixed in some way that I could possibly handle. Failing that, I decided to drop it, especially on learning that I would be dropped anyhow March, 1926.

My \$7,000 converted to ordinary life at that time would have cost me \$24.22 per month. I could not carry that.

I finally got the rates—typewritten—for age 62.

My \$7,000 converted to age 62, paid quarterly, would have cost me at that time—the earliest date I had been able to get the rates—\$61.20 per month. I could not possibly swing that.

As a last resort, before dropping my insurance involving, I believe, over \$300, I had either paid in, or had deducted from my pay, I proposed verbally to the insurance department as follows: That they give me a paid-up policy, payable at 62, for the amount I had paid in, without interest.

After some friendly discussion in which it developed this could not be done within the law, I called on Congressman Sweet of Iowa. I believe I was advised to do this. Anyhow, it was understood that I was to do so.

Mr. Sweet at once saw the point and expressed himself as regretting that "men in my class" as to insurance had not been called to his attention before he framed the original Sweet bill.

He asked me to write him, stating my proposition. I did so as follows (unfortunately the letter was not signed, the explanation of which will follow):

WASHINGTON, D. C., October 15, 1921.

Congressman BURTON E. SWEET,

Washington, D. C.

MY DEAR MR. SWEET: Regarding the matter we talked of briefly a week or so ago, in which it was suggested that it would be a good thing to so amend the Sweet bill (or otherwise legislate) that a World War veteran who carries term insurance (or, if practical, United States Government insurance) and who at time of enlistment was past a certain age—say, 45—may, at his option, convert his present insurance into a paid-up policy for the exact amount of the premiums he has paid in: to be paid to him without interest, at age 62, or to his beneficiary in case of death. If the above plan is deemed to be too "sweeping," a further line might be drawn to include only those who are disabled.

It is obvious that to carry converted insurance, either life or endowment, at the rate a man would have to pay if he were 45 at the time of our war with Germany would be a very great burden—especially if disabled. An impossibility in most cases—or at least a constant worry that a sick man should not carry.

I am sure we agree that the reason some such provision was not included in the original Sweet bill is simply that your attention had not been called to this phase of the subject. Anyone can see that the intent of Congress toward World War veterans, especially those who are disabled, is broad and just.

I am not so unreasonable, however, as to expect Congress to shelve more important matters to accommodate a small minority, unless it can be done without too much trouble.

But if you can kindly give me some idea as to how you believe this matter will go (if, indeed, you deem it fair to all sides to reopen the subject) before November 1, I shall be greatly obliged.

Very respectfully yours.

On November 14, 1921, I wrote him again as follows:

WASHINGTON, D. C., November 14, 1921.

Congressman BURTON E. SWEET,

Washington, D. C.

DEAR SIR: A month or so ago I wrote you regarding some proposed legislation, whereby a man who was past a certain age when he entered the military service during the World War could get a paid-up policy for the amount he has paid in.

A week or two before I wrote we talked of the matter at the Capitol. Possibly you remember. At that time you believed that should the matter of insurance again come up you probably could get the legislation in question.

Judging from an article in the Washington Herald, October 30 last, regarding the report of a Senate investigating committee, it seems some legislation of that nature may be in line. While I am not asking you to go to any great amount of trouble in behalf of a few hundred men, including myself, as previously stated, I should deem it a favor if you would advise me within a week or two as to whether in your opinion there is likely to be brought up such insurance legislation as we talked of.

As the matter stands, I dislike to drop my insurance; but unless the law is amended I am probably throwing away \$9 per month, as I am neither figuring on "passing in my chips" or becoming totally and permanently disabled before March, 1926.

You will doubtless recall that it develops that an ex-service man of my age can not afford to convert his Army insurance. The rates are prohibitive.

Hoping to hear from you soon, I am,

Very respectfully,

FRANK M. HEATH.

I received the following reply, which I am giving you by Mr. Sweet's consent:

HOUSE OF REPRESENTATIVES,
Washington, D. C., November 18, 1921.

MR. FRANK M. HEATH,
Washington, D. C.

MY DEAR MR. HEATH: Your letter of October 15, and also of November 14, 1921, received. The reason your first letter was not answered was due to the fact that it was not signed, and I was unable to recall your name. In fact, I did not make an effort to remember it, because I had requested you to write me.

It would appear to me that the proposition that you present is reasonable, and that some relief should be granted along the lines suggested by you.

I have gone over quite carefully the report of the Senate committee investigating war-risk insurance and other matters.

I am of the opinion that it will be some time before legislation of this character is passed, owing to the vast amount of business that is now before Congress for consideration.

Matters pertaining to war-risk insurance, vocational training, and hospitalization are usually embodied in an omnibus bill. Bills of this character are usually passed not more than once each year. Into a measure of this kind is embodied the various suggestions which meet with the approval of the committee considering the same.

I realize your situation, and am sorry that I can not give you a more definite answer.

With kind regards, I remain,

Very sincerely yours,

BURTON E. SWEET.

I replied as follows (on a postal card—virtually a copy):

423 SECOND STREET NW.,
Washington, D. C., November 19, 1921.

Congressman BURTON E. SWEET, City.

DEAR SIR: I just received your letter of November 18. Please pardon lack of signature on my letter of October 15. If I remember correctly, I instructed stenographer to sign for me; probably an oversight. I admit frankly it was not business-like on my part. However, no harm is done. And I thank you for your prompt reply to my inquiry of November 14.

If I rightly interpret yours of November 18, you believe there is a reasonable chance of getting the legislation in question in a year or so; am I right? If so, I shall keep up my Army insurance for the present.

Very respectfully yours,

FRANK M. HEATH.

I received the following:

HOUSE OF REPRESENTATIVES,
Washington, D. C., November 24, 1921.

MR. FRANK M. HEATH,
Washington, D. C.

MY DEAR MR. HEATH: Your postal card received. There is a reasonable chance of getting legislation which will grant cases similar to yours some relief within the next two or three years.

With best wishes, I remain,

Very sincerely yours,

BURTON E. SWEET.

There I let the matter rest until yesterday, when I again saw Mr. Sweet and was relieved to find.

I must beg your pardon for this tedious letter, because I wish to make it plain that I have been paying my insurance—now \$9.45 on \$7,000—in good faith and trusting that your bureau, with the help of Congress, would grant this relief.

I am very sorry, indeed, to bother either Congress or your bureau with what may seem so small a matter. It is not, however, so small a matter to a disabled man who is doing his damndest to get on his feet.

Whether I get this relief or not, I am not sorry I went across. In a similar case I'll do the same if they can use what is left of me.

Nor am I going to "holler my head off" if I don't get this little adjustment I ask for, although I'd like to have it settled. As it now stands, I feel that I am virtually throwing away about \$10 per month. I have not the slightest intention of letting the undertaker get me before March 1, 1926. I am not keeping it up for the little protection it affords me, seeing that I lose it then anyhow—March 1, 1926.

Hoping this matter will be settled soon, and thanking you in advance for your fairness, I am,

Very truly yours,

FRANK M. HEATH.

WASHINGTON, December 11, 1922.

Hon. BURTON E. SWEET,
House of Representatives, Washington, D. C.

SIR: In compliance with your suggestion made in the course of a recent conversation on the subject of Government life insurance of its soldiers during the late war, I have the honor to submit the following remarks regarding the provisions of the present existing law entitled "The war risk insurance act."

In this law there are certain provisions which affect a class of officers—small in number—who are of long service in the Army, were in active duty during the Great War and took advantage of the life-insurance privileges offered by the Government in the original bill.

This bill, as modified by later enactments, is now embodied in the war risk insurance act with amendments and contains certain provisions of law that are now felt to be oppressive to the class of men of the Army to whom I have referred above. To explain this matter, I feel that I can do so in no better way than by citing fully the case of an officer intimately known to me, whom I will designate as John Doe, who entered the Military Academy in 1874, from which he graduated in 1878 and served continuously to February, 1917, more than 42 years of active service from date of entrance, retired 1917, recalled to active service September, 1917, and served abroad. Insured under original act of Congress in October, 1917, for \$10,000. Premiums paid as follows:

October, 1917–December, 1917, \$28.30 a month.....	\$84.90
January, 1918–June, 1918, \$28.30 a month.....	169.20
July, 1918–June, 1919, \$30.70 a month.....	368.40
July, 1919–May, 1920, \$33.50 a month.....	368.50
June, 1920–May 31, 1921, \$36.50 a month.....	438.20
June, 1921–May, 1922, \$39.90 a month.....	478.80
June, 1922–November, 1922, \$43.60 a month.....	251.60

Total, October, 1917–November, 1922..... 2,159.60

It will be observed that there has been a continuous increase of premiums since the date of issue—that is to say, an increase from \$28.30 a month in October, 1917, to \$43.60 a month in November, 1922. There will be an additional increase of premiums for each following year until conversion into a new policy. All such premiums revert to the Government and are totally lost to the insured at conversion into a new policy, or in case of lapse of the original policy in event of nonpayment of premiums.

The policy issued to John Doe has not been converted by him into any of the policies authorized by the law, but remains as issued in October, 1917. For this reason all moneys paid in by John Doe has been covered into the Treasury of the United States without credit to him on any policy that he may assume on or before the lapse of the period of five years after the close of the war, by which date conversion must be effective.

Exchange of policy has not been made by John Doe on account of the cost of premiums demanded at his present age on the converted policies. For instance, the premium at the age of 69 years on a straight life policy, the only one available in this case, is \$83.20 a month for \$10,000, whereas the present cost of premium to John Doe under his original policy is \$43.60 a month, and although both premiums are increasing, the original policy can be more cheaply held under the law. Should the original policy be held until March, 1926, the cost of premiums to John Doe, then, if living, 72 years of age, will be in accordance with the tables of insurance, \$62.50 a month, evidently an almost prohibitive amount to deduct from retired pay, and having no fixed proportion to it since it is the age and not the amount of pay which counts. It therefore seems obvious that, as years pass, more and more must insurance policies lapse because of inability to make payments of premiums.

One other point deserves consideration, which is that there is no age limit for the cessation of the premium. It follows that John Doe, the beneficiary of a \$10,000 straight life policy at the age of 72, is required to pay during life the sum of \$1,189.60 a year premiums, in order to secure \$10,000 to his heirs after death, with the possibility that after reaching, say, the age of 77 he finds he has paid in to the Government more than the face value of his policy, an absurdity from which, however, he can not withdraw without the loss, at least of the amount of premiums paid in under the original policy, amounting, presumably, to several thousand dollars. John Doe is thus caught in a trap unintentionally set by the Government.

I am told that unlimited payment of premiums is met by certain private companies, who place a limit of age at which payments cease. It would seem that not only should this be done in the case of Government policies, but if liberality toward its soldiers is desired, a limit of age should be imposed on reaching which the insured should be

rated as incapacitated as he should be, for it is just as certain that advancing years will prevent work for the support of the individual and his family as will the loss of eyes or legs, and should be so rated.

One other provision of the law seems inequitable to me and should here be noted. I refer to this provision or ruling that upon the exchange of policy from the original to the permanent, which is compulsory under the law, within the period of five years after the official end of the war, the new permanent policy, as regards its premiums and equities in amounts paid in, is of effect only at the date of issue, which in the case of John Doe should be live to the expiration of the period allowed for conversion would amount to nearly nine years (1917-1926) during which he had been paying premiums.

From the provision of law it may happen that the policy of John Doe, issued at the age of 63 in the first instance with premiums computed originally as of that age, but increasing each year until conversion of policy, will upon such conversion be called upon to pay a yearly premium of \$1,189.60 in addition to the premiums for nearly nine years, amounting approximately to \$4,000, 40 per cent of the capital amount of his insurance, which amount is totally lost to John Doe. After the issuance of the permanent policy his equity in that policy in the event of nonpayment of premium and consequent lapse, accrues from the date only of issue of the new policy.

Such a position in the matter of the life insurance of its soldiers for the benefit of their dependents, does not seem to me to be worthy of the Government in its endeavor to put into practice a measure of relief admirably conceived.

REMEDIES SUGGESTED.

Two are offered for consideration.

First. To declare an age which may be computed as total disability beyond which age no dues shall accrue, or, if considered more equitable, though it is hard to see how that can be possible, declare an age at which dues shall decrease in such ratios as may seem equitable, considering the failing powers of the insured with the lapse of years.

Second. To declare that the date of converted policies be that of original issue; that premiums shall be imposed as of the age of the insured at the time of issue of the original policy, and that all premiums paid upon the original policy as well as all those paid on the permanent policy after issue shall stand to the credit of the insured as his equity in the permanent policy in the event of lapse due to nonpayment of dues (or other cause, if any).

It seems that these or similar provisions should be enacted and the liberal intention of the original war time act be relieved from the reproach of petty limitations.

I remain, with great respect,

Very truly yours,

GEORGE P. SCRIVEN,
Brigadier General, U. S. Army, Retired.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON EXPENDITURES IN THE WAR DEPARTMENT,
Washington, D. C., February 5, 1923.

Hon. BURTON E. SWEET,
House of Representatives, Washington, D. C.

DEAR MR. SWEET: In accordance with my conversation with you, I should like to urge for your serious consideration an amendment to the war risk insurance act, to be included in the amendments now being prepared by your committee, which will permit the payment of insurance to the designated heirs of service men who died after having discontinued their war risk insurance. Many hardships have been caused the heirs of men who died after they discontinued their insurance.

As you know thousands of men for financial and other reasons permitted their insurance to lapse. Others temporarily discontinued their insurance, planning to convert it at a later date to the convertible policies now being issued, and before they could reinstate their insurance, they died.

These cases have all worked extreme hardships on the heirs, especially as the soldier himself while alive was unable to keep up the payments.

I am convinced that the Government owes a debt to the heirs of men who went through the war, keeping up their insurance payments, while serving their country.

Let me recall a sad case:

Lieut. Ralph H. Rogers, Air Service, took over in November, 1917, a squadron of Air Service troops.

The squadron was routed through England and for several weeks was housed at an English concentration camp where the accommodations were not up to the American standard, to put it mildly. Then the squadron was ordered to France, via Havre. Arriving in Havre, in the midst of the worst winter in many years, Rogers and his outfit—like all other Americans—found Havre unprepared to receive them, even for a few days. There was tremendous suffering due to severe exposure and inadequate housing facilities. The squadron then proceeded to Clermont-Ferrand, France, where it helped construct the Seven Aviation Instruction Center for the training of American aviators. Again Rogers and his outfit were exposed. Several months later, after he had been transferred to Tours, he discovered he had throat trouble. He went to see an Army doctor who casually told him, "Lieutenant you have tonsillitis, and you ought to have your tonsils removed, but I would advise you to wait until you return home."

Rogers did.

He reached Hoboken in July, 1919, and was discharged a few days later. Nothing was done toward removing his tonsils. He was given the same hit-and-miss medical examination we all got and was discharged.

Like many other veterans Rogers found it difficult at first to reestablish himself in his old job and six months later for financial reasons he discontinued his insurance, planning to convert it into a regular 20-year policy when he could afford to do so.

A year later his tonsils began giving him serious trouble. He went to a hospital. He never left it alive, the tonsils had been neglected so long that the pus had permeated and poisoned his entire system.

Application was made by his dependent mother for compensation. Because there is no record of his conversation with the doctor at Tours, the application is refused. Because he had discontinued his insurance, she is deprived of that revenue. If a bonus bill is ever enacted she will be deprived of the bonus because the proposed increased compensation benefits are not retroactive.

Her's is a sad case indeed.

In fairness to those who have "gone west" let me earnestly recommend that the war risk act be amended so that policies may be paid to heirs of veterans who have died within two or three years after discharge, provided of course their insurance was maintained during service in the Army and Navy, and also for a period of say, three months after discharge, provided further that all lapsed premiums shall be paid by the beneficiaries, this sum to be deducted from the principal due.

I think the United States Government, in fairness to those who served, owes it to the heirs to adopt a lenient policy which will permit the payment of lapsed premiums.

Very sincerely,

ROYAL C. JOHNSON.

COMMITTEE ON THE POST OFFICE AND POST ROADS,
HOUSE OF REPRESENTATIVES, UNITED STATES,
Washington, D. C., February 5, 1923.

Hon. BURTON E. SWEET,
House of Representatives, Washington, D. C.

MY DEAR COLLEAGUE: Referring to telephonic conversation, I desire to call your attention to the case of Maj. Earl L. Naiden, who went over with the First Squadron to France. He was later sent to Italy on a special detail to locate aviation fields and arrange for training American flyers in Italy. He was in Italy approximately six months, and during this time he traveled throughout the country alone, except for an interpreter. It was during this time that the war risk insurance act was passed, but it was not until his return to France, almost four months later, that he first learned of the war risk insurance. The oversight was probably due to the peculiar nature of the detail—distance from headquarters and detached service. However, he immediately applied for insurance, but his application was turned down because of the 120 days clause, which required that a man apply for insurance 120 days after enlistment, or, if already in the service at the time, he must file an application within 120 days after the war risk insurance came out. In Major Naiden's case it was impossible to do this.

I understand there are many others in the same boat, and I would appreciate it if you would advise whether an amendment to the act could be offered which would cover such cases.

Thanking you, I am, with warm regard, yours very truly,

S. A. KENDALL.

(Whereupon, at 1.20 o'clock p. m., the committee adjourned to meet at 10 o'clock a. m. to-morrow, Saturday, February 3, 1923.)

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE,
HOUSE OF REPRESENTATIVES,
Friday, February 9, 1933.

The committee met at 10 o'clock a. m., Hon. Samuel E. Winslow (chairman) presiding.

The CHAIRMAN. The committee will come to order. We shall proceed to the consideration of the so-called Sweet bill, the Veterans' Bureau bill. The Chair would like to say to the representatives of the Spanish War Veterans, who, as we understand it, are appearing here to-day, not only for themselves, but in the interest also of the veterans of all wars in which the United States have taken a part, that since the notice of this meeting was sent out the House has arranged to meet at 11 o'clock this morning, instead of 12, and a subject may be up under discussion there of such a nature that many of the members of this committee may wish to be present. The Chair would suggest that, if it is entirely agreeable to the Spanish War Veterans' representatives here, we would like to have one or two whom you may put forward yourselves state the case, on the assumption that you are representing the entire thought, and I think the committee can digest the statement of one man, if it is sufficiently comprehensive to meet your own approval, as clearly and with just as good effect as if we had a dozen. So unless somebody rises in his place to say that what the witness is saying is not correct, the committee, I believe, will be ready to assume that they are getting in a few statements the substance of all your contentions and desires.

For the sake of saving as much time as possible, without robbing you of a fair chance to appear, the chairman suggests that you have such men put forward as will properly represent your interests, and lool down his statement as much as he can. The committee has been through this subject in the main a good many times, and I think we all really now understand your purpose in coming here. Nevertheless, in order that the record may be reasonably complete, to show that you have presented the case as becomes your responsibility, we afford the hearing, but with the suggestion that you condense the remarks as much as you think you can in the interest of the cause.

Mr. HUBBARD. May I suggest, Mr. Chairman, that we might allow those who do not speak to make a very brief written statement, if they wish?

The CHAIRMAN. Yes, if they desire to do so they may. If there is any purpose in it we will accept written statements from those who are here officially, or anybody else who feels moved to speak on the question, and publish same in the proceedings.

Now, if the veterans of the Spanish War will present the witness who will open the discussion we shall be glad to hear from him.

**STATEMENT OF ANTONIO P. ENTENZA, NATIONAL COMMANDER
IN CHIEF, UNITED SPANISH WAR VETERANS, 804 MERCHANTS
EXCHANGE BUILDING, SAN FRANCISCO, CALIF.**

The CHAIRMAN. Will you kindly give your name, your mailing address, and state the cause which you represent here.

Mr. ENTENZA. My name is Antonio P. Entenza; address, 804 Merchants Exchange Building, San Francisco, Calif.

Mr. Chairman and gentlemen of the committee, first I want to thank the members of the committee for having given the Spanish-American War Veterans an opportunity to appear before you at this late hour.

Mr. GOOVER. Mr. Chairman, may I ask what official position Mr. Entenza holds with the Spanish War Veterans?

The CHAIRMAN. Yes; will you state that please?

Mr. ENTENZA. I am national commander in chief of the United Spanish War Veterans. And I am not going to cover the case before the committee. However, I would like to reserve the right if perchance the committee is not satisfied with the remarks and the explanation of the comrade here present who will explain this amendment, and why we have insisted upon the introduction of this amendment, I would, of course, like to be recalled, and have the privilege of further explanation.

The CHAIRMAN. That will be afforded you.

Mr. ENTENZA. This amendment, as the chairman has said, is already familiar to you, and I am indeed very glad to think that you have become familiar with the amendment. We have spent some time in trying to secure the information that we have, backed up by affidavits and proofs, and I have taken the trouble, as commander in chief of the Spanish War Veterans, to send a man to Washington, at our expense, and we have no money. This is one patriotic organization in this country that had to send a committee here with dime and nickels that were taken from their comrades throughout the country. They are serving without pay, and in some instances are coming in to-morrow at their own expense.

The comrade that will appear before you, Comrade Robinson, is aware of the injustices of the present system of hospital care. That is the great thing that we are interested in. We have never asked Congress for legislation in our lives that we have not received it. It is a very peculiar thing that we could boast of that, but we can, and we were reluctant at this time to come before this Congress and ask for this remedy. We have held it off for two years, but the exigencies of the occasion compel us at this time to come before this committee with the hope of its recommendation.

Now, I have data, but I am not going to submit it to you, and I know you men on this particular committee are business men, and you really would not want to hear a speech. I am filled up with this subject, because I am so interested in it—it may not be so interesting to you as it is to me—but I do ask that a reservation be made for me after the one member of our committee has addressed you, if there should be any further explanations to be made. I shall abide by your request that we limit our- selves in the matter of the number of those who address themselves to you this morning, and shall only ask Comrade Robinson to speak. However, we had meant to have three or four appear before you.

Mr. DENISON. I want one of you, Mr. Entenza, to state if you will, just what benefits of the war risk legislation you think the veterans of each war ought to have. For instance, the veterans of the Mexican War and the veterans of the Indian wars, if there are any left, and the veterans of the Civil War, the veterans of the Spanish-American War, and the Boxer rebellion—I would like to have some one state just what particular benefits the veterans of those respective wars are desiring and would expect by the war risk?

Mr. ENTENZA. I would say for the benefit of Representative Denison that we have information probably that will enlighten you upon the benefits accruing to those various veterans, but we have been stopped to a certain extent by some of the patriotic organizations feeling as if we have no right to ask for anything equal. We have struck from the bill the words, "Spanish-American War Veterans." In fact, we feel that this is the right measure, to have included all veterans. We can, however, prepared to give some of the data that you require. I will ask Mr. Robinson to speak.

**STATEMENT OF DWIGHT H. ROBINSON, SPECIAL REPRESENTATIVE,
OF COMMANDER IN CHIEF OF THE UNITED SPANISH
WAR VETERANS, 883 MARKET STREET, SAN FRANCISCO, CALIF.**

The CHAIRMAN. Will you please give your full name, your address, and the capacity in which you appear?

Mr. ROBINSON. Dwight H. Robinson, 883 Market Street, San Francisco, Calif. Special representative of the commander in chief, A. P. Entenza, of the United Spanish War Veterans.

Mr. Chairman and gentlemen of the committee, I am not going to make a speech but shall speak briefly, and then will offer myself for any questions or inquiries that the gentlemen of the committee may wish to make. I think we can probably cover the ground more quickly that way and secure the information that we all desire to have in the hands of this committee rather than by any general statement which I would make.

Answering Mr. Denison's question first—that is, as to the benefit that the several veterans of the different wars will receive under this bill, if it should be enacted and become a law—the veterans and dependents of veterans of the Mexican War would receive nothing. They are receiving service pensions. This, as an act amending the war risk insurance act, necessitates service connection of disability, and as such it sidesteps or goes about all existing pensions which are based upon service and do not of necessity require a disability incurred in line of service.

Passing to the next war, the Civil War, there are probably 220 Civil War veterans who are now receiving pensions under the general pension law, which involves disability of service origin, and if they are not already receiving major compensation or pension, there might be a slight increase in those few cases. However, the amount would be negligible.

In the case of the widows of the Civil War, they would receive no increase for the reason that the widows of Civil War veterans are now receiving \$30 a month, while the widows of veterans of the late war are receiving \$25 a month. There, again, was another reason why this present amendment was drafted in its present form. If it is necessary for these veterans or dependents of veterans in order to secure the benefit of this bill to apply within a period of three years after the enactment of this bill, therefore it is elective, if they choose to come under the benefits of this law. It is obvious that the Civil War widows will prefer to remain where they are, because they will receive \$5 a month more than our widows of the late war are getting.

The great bulk of the beneficiaries will be the veterans of the three Spanish wars, from 1898 to 1902. The benefits which we expect to receive are, first of all, an equalization of compensation or pension and equal hospital rights. As the bill is written it is sweeping in character, and was prepared in that manner merely in the most brief form possible to bring this before the attention of the committee. It was not our intention to dictate or to attempt to suggest to the members of the committee the exact manner in which this matter should be presented. What we wished was in a very brief way to put over to you, gentlemen of the committee, the idea what we are after, and leave it to Congress to work it out in the most practical form.

The act as written calls for equal recognition, for equal compensation, and for equal hospital facilities. It also includes the vocational training act. There are the two acts, the war risk insurance act and the act for vocational rehabilitation. We admit that we are too old to take our text books and go to school. We are willing to have that stricken from the bill. On the matter of insurance, that is a question to be determined.

Mr. MAPES. Do you mean by that that you are willing to have the whole rehabilitation part stricken from the bill?

Mr. ROBINSON. Yes, sir.

Mr. MAPES. Not simply the part with reference to the school?

Mr. ROBINSON. No; eliminate that part of the bill.

Mr. SWEET. And if I may say, Mr. Robinson, also, you speak of the war risk insurance act.

Mr. ROBINSON. Yes, sir.

Mr. SWEET. Of course the war risk insurance act includes allowance and allotment, includes compensation, and includes all war risk insurance.

Mr. ROBINSON. Yes, sir.

Mr. SWEET. Now, is it your thought that they should be entitled to the benefits of compensation which is the same as the War Risk veterans?

Mr. ROBINSON. Yes, sir. Compensation for disability of service origin.

Mr. SWEET. Well, that would also include the soldiers of the Civil War?

Mr. ROBINSON. Any living disabled American veteran, disabled in line of duty.

Mr. SWEET. Well, what would you do with the pensions they are receiving now in connection with the pension laws? That would increase those pensions in some instances and put them somewhat upon a different basis.

Mr. ROBINSON. Yes, sir. Do you mean by what agency would that be paid?

Mr. SWEET. No. Now, you have eliminated the vocational rehabilitation act, you say?

Mr. ROBINSON. Yes.

Mr. SWEET. And, of course, the war risk insurance act covers the field of compensation and insurance.

Mr. ROBINSON. Yes.

Mr. SWEET. Now, the Civil War veterans are drawing compensation at the present time?

Mr. ROBINSON. Yes.

Mr. SWEET. They are drawing compensation under laws that were enacted for them?

Mr. ROBINSON. Yes.

Mr. SWEET. And at the present time they are not receiving benefits of compensation under the war risk insurance act.

Mr. ROBINSON. That is true.

Mr. SWEET. Now, do you wish to include insurance, or do you enter the field of compensation as well?

Mr. ROBINSON. We would enter the field of compensation in this way, that we wish to establish one standard of disability pay. We feel that to have certain veterans rated one way and others another is not right. There are two classes of veterans with which you are familiar.

Mr. DENISON. May I interrupt you there. In that connection, if you are given all the benefits of the laws that are given to the veterans of this late war, are you willing to give up those that they do not have?

Mr. ROBINSON. Yes; for everyone who wishes to come under this act. This is elective. For instance, you can take a Spanish War veteran, we will say, who under the Sells Act is drawing from \$12 to \$30 a month for a disability that is not incurred in line of duty. He will elect to remain where he is, because if he would come under the war risk insurance act he would not draw a dollar, because under that act he would be paid only for disability incurred in line of duty in service.

Mr. MAPES. May I interrupt?

The CHAIRMAN. We are getting pretty thick with questions. There are two on the board now, and both unanswered. Suppose we finish up Mr. Denison's inquiry.

Mr. DENISON. Well, I will waive my rights to Mr. Mapes.

The CHAIRMAN. He is right in the middle of an answer to your inquiry, and I will ask him to finish.

Mr. ROBINSON. What further information do you desire?

Mr. DENISON. I think you have given me the information. Of course, I see you understand the whole subject. You are familiar with the thought I had in my own mind, I mean. Of course, the policy of the Congress, heretofore declared, up to this time was not to go on the pension system with the soldiers of this late war.

Mr. ROBINSON. Yes, sir.

Mr. DENISON. And of course the Spanish-American War veterans are under the pension system. The two theories, the two ideas, are entirely separate and distinct?

Mr. ROBINSON. Yes.

Mr. DENISON. Now, it is your idea or your purpose and desire to put the Spanish-American War veterans under both policies; is that it?

Mr. ROBINSON. Yes, sir; and the big point we are driving at is to take the standard of rating of the late war, which is \$100 a month for total and permanent disability, and on that basis to standardize the pension or the compensation of every veteran who has been disabled in line of duty.

Mr. DENISON. Well, now, do you think that that is a proper policy? I am asking for my information. Do you think, in other words, that the young man who is just starting in life, and who is totally disabled, maybe has a young family on his hands, young children, as most of the veterans of this war have, we will assume, by reason of the fact that they are all young men; do you think their compensation should be the same as that of a man 75 or 80 years old, whose family has left him, and the members of whose family are supporting themselves? Now, I want to get your thought on that. Do you think that the compensation ought to be the same in those two cases?

Mr. ROBINSON. I do. I think the basis of all compensation should be the same for all veterans, regardless of time or place of service.

Mr. DENISON. Or age?

Mr. ROBINSON. Or age.

Mr. JOHNSON. And rank?

Mr. ROBINSON. And rank.

Mr. MAPES. Mr. Chairman, I just wanted to ask Mr. Robinson one question in connection with what Mr. Denison asked. Of course, if we should pass this legislation as you outline it, it would give the Spanish-American War veterans the opportunity to elect to come under either one of two acts, either the pension legislation or this compensation for disability legislation. Suppose the veterans of the World War come in and say that we ought to pass a pension law which would apply to them so that they could have the same privilege of election between compensation or pension which those of other wars have.

Mr. ROBINSON. May I answer the question in this way, that such a situation would never arise, because when you compare the basis of \$30 a month for the Spanish-American War veterans and \$100 a month for "us young heroes of the late war," we are never going to ask for more than we have now.

Mr. MAPES. Well, the Spanish War veterans now, do they not, get pensions for their disability regardless of whether it is due to service origin or not?

Mr. ROBINSON. Yes, sir; there are two classes of pensions.

Mr. MAPES. And the World War veterans do not get any pensions, do they?

Mr. ROBINSON. No, sir; the World War veteran receives only compensation for disability incurred in line of service.

Mr. MAPES. And those who are disabled and can not trace their disability to the service might properly come in and say that the Spanish-American War veterans, then, were getting something that they were not?

Mr. ROBINSON. Yes, sir.

Mr. HUDDLESTON. Mr. Chairman, may I ask a question?

The CHAIRMAN. Mr. Huddleston.

Mr. HUDDLESTON. Mr. Robinson, the theory of the service pension is that the veteran receiving it actually owes his disability to his service in the Army, but that because of the long lapse of time he is unable to establish that service connection. That is the theory, as many times announced. Of course it is a violent presumption, in many cases. But at the most it amounts merely to a conclusive presumption—the case of disability occurring 20 or 30 years after discharge—that its real origin is due to his impaired physique or resistance caused by his service in the Army.

Mr. ROBINSON. Yes, sir.

Mr. HUDDLESTON. Now, the World War soldiers, as to two classes of disability, are now receiving the benefit of that presumption.

Mr. ROBINSON. Yes, sir.

Mr. HUDDLESTON. Tuberculosis diseases and neuropsychiatric diseases. It is presumed that they are due to the soldiers' service in the Army, and he is not required to service connect them.

Mr. ROBINSON. Within a given period.

Mr. HUDDLESTON. So that while we call it compensation the real meaning of it is that we give a service pension for those two classes of disabilities.

Mr. ROBINSON. Yes, sir.

Mr. HUDDLESTON. And of course we all know—there is no need of us blinking this thing—we all know that within 20 years, perhaps even within 10 years we will be paying "compensation" to the World War soldiers upon the identical theory that these service pensions are given to the Spanish War and Civil War soldiers.

Mr. ROBINSON. Unquestionably.

Mr. HUDDLESTON. We merely call this "compensation" for administrative purposes. It is a gratuity, and I don't care whether you call it a rose or a lily, it is just as sweet to the soldier.

Mr. ROBINSON. It is a polite name for "pension," that is all, and it comes out of Uncle Sam's pocket just the same.

Mr. HUDDLESTON. And there is no reason why these Spanish-American War soldiers and Civil War soldiers who owe their disabilities to their service, and have made out a case by sufficient proof, should receive a smaller gratuity than the soldiers of this more recent war.

Mr. ROBINSON. No, sir.

Mr. HUDDLESTON. It is on that theory that you are pressing this bill?

Mr. ROBINSON. It is upon the theory that every man who serves this country with honor is entitled to equal recognition and consideration expressed in an equal standard of compensation in proportion to the degree of his injury, and equal rights to hospital care.

Mr. HUDDLESTON. Have you in mind that these greatly augmented benefits of insurance, allowances, and compensation, which are granted to World War soldiers, as distinguished from the Civil War and Spanish-American War soldiers, has any relation to the fact that we who served in the earlier wars, volunteered, while many of the men who went into the World War were forced in? Does that cut any figure in the matter?

Mr. ROBINSON. No, sir. For diplomatic reasons that is something I refrain from discussing, because they caught me in the first draft of the last war. [Laughter.]

Mr. HUDDLESTON. At least you would not say that the fact that a man had to be conscripted into the service gave him any superior merit over those who went in voluntarily?

Mr. ROBINSON. In answer to the question, I will say that I really can not see why there should be such a wide difference between two veterans who are disabled, why one veteran of the late war, who was conscripted and was totally disabled, should receive \$100 compensation, and another veteran, who may have volunteered in an earlier war and was totally disabled, should be receiving \$30 compensation. I don't think a volunteer should be penalized to the extent of \$70 a month.

The CHAIRMAN. Now, Mr. Robinson, to go a step further on that. I know a family and I know it well, where one of the boys in his anxiety to get into the war enlisted voluntarily, and in the same family were two others who tried to enlist, but meanwhile the law of the land had set up the provision that they did not want volunteers any more, they wanted them to come in the regular order of conscription, and we talked it all over the country that a young man need not feel that he was disgraced by not volunteering, in view of the fact that the Government wanted to take them over in an orderly manner under the conscription. Who is going to undertake to discriminate between those three brothers as to which one was the hero and which one was not?

Mr. ROBINSON. I can answer the question of the chairman in this way, that irrespective of whether a man enters the military service through conscription or through voluntary act of his own, at the present time we veterans of the several wars are honored on two days—on Memorial Day and on the Fourth of July—and possibly if the President makes armistice day a national memorial day we will be heroes on three days. It applies to all of us.

The CHAIRMAN. And isn't it a matter of fact that after a while the Judge Advocate General's Department, which had charge of the conscription, sent out a notice that they did not want any more volunteers?

Mr. ROBINSON. Yes, sir.

The CHAIRMAN. They wanted all those who wanted to go into the war to wait until the time came when they would be called, in order that they could select them in an orderly manner, and take them up under conditions which would be uniform throughout the country.

Mr. ROBINSON. Yes; with the exception of the Marine Corps and the Navy. That would apply to the Army.

The CHAIRMAN. Well, they were a small part, probably, of the whole number.

Mr. ROBINSON. Yes, sir.

The CHAIRMAN. The Army got the very large proportion. I am bringing this out because I do not want to have it appear here or in any other place that the young man who went into service under the conscription arrangement was necessarily a quitter or a fellow who was trying to get out from under, not having volunteered previously as denied by the Government.

Mr. ROBINSON. We are presenting this bill for disabled veterans irrespective of the manner in which they entered the service.

Mr. MAPES. I want to ask one more question, Mr. Robinson. Do I understand your position now to be that all that you are asking for is that the same privileges that this law gives the disabled veterans of the World War shall be given to the disabled veterans of other wars?

Mr. ROBINSON. Yes, sir.

Mr. MAPES. You are not asking for rehabilitating privileges?

Mr. ROBINSON. No, sir.

Mr. MAPES. Nor insurance privileges?

Mr. ROBINSON. No, sir.

Mr. MAPES. You are only asking for compensation and hospital care for disability that is traceable to Army service?

Mr. ROBINSON. Yes, sir.

Mr. DENISON. I just want to submit, Mr. Mapes, that this bill includes dependents, too. You mentioned only the disabled veterans.

Mr. ROBINSON. Yes, sir; dependents are included.

Mr. MAPES. If it should be enacted into law, as you recommend, do you conceive of any superior difficulties from an administrative standpoint? Would it be as difficult to prove the disability of a Civil War veteran, for instance, as to how much of it was due to age, and how much of it was due to Army service?

Mr. ROBINSON. In some cases it might be difficult to prove. We have now on our pension rolls of the veterans of the Spanish wars 4,545 veterans whose disability is traceable to service, which has been established as being of service origin, and which exceeds 10 per cent degree of disability. No compensation is paid to a veteran of the late war under the present law if his disability is less than 10 per cent, although he may be subject to hospitalization or outpost treatment for any degree of disability under 10 per cent. To make this a matter of record I would say that out of 13,000 veterans drawing pensions, of established disability, under the general pension laws, that 4,545 having disability of more than 10 per cent would be subject to increase if they were to transfer their claims to the United States Veterans' Bureau.

I have prepared a table here which I wish to submit in evidence later. Now, taking this table of 52 different comparisons between the United States Veterans' Bureau and the Pension Bureau, we find an average difference in minor disabilities of \$12.95 per month more paid to the veterans of the late war than to the veterans of previous wars. That is striking an average of 52 different disabilities.

The greatest discrepancy between the two standards is that of total and permanent disability, worked out by the law of averages, for, after all, this is but an approximation. And having spent some time in endeavoring to arrive at an approximation of the cost, according to the tables worked out by the two bureaus, and working in averages, it would mean an average increase in minor disabilities of \$13 a month for Spanish War and other veterans, and with the total number of 4,545, and possibly 200 or more from the Civil War, the whole thing would cost \$708,000; roughly three-quarters of a million dollars.

Mr. MAPES. I assume that you would not be willing to have legislation to repeal the benefits that the men get who are now disabled, who can not face their disability to the service, as it applies at present to the veterans of the Spanish-American War?

Mr. ROBINSON. We certainly would object very strenuously to the repeal of the Sells Act.

Mr. MAPES. And if we should pass this legislation giving the veterans of the Spanish-American War the same benefits as are given to the veterans of the World War, as a practical proposition it would give the veterans of the World War an argument for claiming that they have been discriminated against, and they might ask for the same benefit that veterans of other wars have, regardless of their ability to trace their disability to the service, and wouldn't that hasten the time, which Mr. Huddleston says is bound to come, when legislation would have to be passed giving them that benefit?

Mr. ROBINSON. I don't think so. On the contrary, I think that if Congress should enact this measure and standardize the compensation, establish one standard, place

all veterans with disabilities of service origin upon one standard, I think the enactment of that legislation would be a very happy thing, indeed, for it is because of the inequalities and different standards that so much discussion has been provoked.

Mr. MAPES. But to standardize it we would have to pass a law similar to the Sells law and make it applicable to the veterans of the World War, would we not?

Mr. ROBINSON. That can be handled very easily by simply eliminating these different discriminations and saying "all veterans."

Mr. MAPES. All veterans shall receive the pensions the same?

Mr. ROBINSON. If you want to establish a service pension for veterans of the late war, that is very easy. Just alter one or two words in your present standing pension law.

Mr. MAPES. But I say in order to completely standardize the legislation we would have to do that also, would we not?

Mr. HUDDLESTON. Mr. Mapes, may I interrupt you?

Mr. MAPES. Yes.

Mr. HUDDLESTON. It was about 25 years after the close of the Civil War before the service pension was granted to the Civil War veterans. It was 20 years after the close of the Spanish War before the Sells Act was passed. Now, those service pension laws only give a precedent for service pensions after an interval of about a quarter of a century after the close of the war and do not afford a precedent for the immediate granting of service pensions as soon as the war is closed. Therefore to extend this benefit to the Spanish War veterans would merely be a precedent for extending to the World War veterans 20 years after the close of the World War a service pension such as the Spanish War veterans are getting now.

Mr. MAPES. Of course the Civil War veterans may come out and say that 57 years after the close of the Civil War they have not had the disability provisions such as the veterans of this war.

Mr. HUDDLESTON. No; the service pension of the Civil War veteran was passed in 1890.

Mr. MAPES. Well, not with the liberality of that of the World War.

Mr. HUDDLESTON. Oh, no.

Mr. MAPES. Of course the claim has been made all along, and the statement may be correct, that we will pass a pension law for the veterans of the World War in due time. But the argument has been constantly made, and was made at the time we passed the insurance law, and it has been made since, and there have been, I think, frequent statements by those prominent in the organizations of the veterans of the World War, that there will be no pension legislation for them.

Mr. ROBINSON. That, of course, is merely a conjecture, and I think that time will tell a different story.

Mr. SWEET. Now, if I understand your contention, briefly stated it is this, that you desire that the Spanish-American War veterans shall be placed upon a basis of compensation the same as the World War veterans?

Mr. ROBINSON. Yes, sir.

Mr. SWEET. And that they have hospitalization the same as the World War veterans?

Mr. ROBINSON. Yes, sir; and transportation to and from, with subsistence, and nurse, if necessary, which we do not have.

Mr. SWEET. And you do not care anything about the question of war-risk insurance?

Mr. ROBINSON. No, sir.

Mr. SWEET. Not about vocational training?

Mr. ROBINSON. No, sir.

Mr. SWEET. Now then, as to the service pension, what is known as the Sells Act, you do not want that disturbed?

Mr. ROBINSON. No, sir; nor any other service pension.

Mr. SWEET. Nor any other service pension?

Mr. ROBINSON. No, sir.

Mr. SWEET. And neither do you want it elective so that they can elect to take under the pension law, but they must be placed upon the same basis of compensation as the World War veterans. Now, you spoke about election a moment ago, but I do not see how you can bring that into this bill, provided it is your contention that they should receive the same compensation as the World War veterans.

Mr. ROBINSON. For this particular reason, that as I mentioned earlier, Civil War widows are getting \$30 a month, and our widows are getting \$25 a month, and for that reason this amendment was written as being elective or optional, in order that those who are drawing greater benefits now, either under service pensions or the ratings of the Civil War, shall not be disturbed, and their compensation or pension be diminished. For that reason we make it elective or optional in order that the veterans may get the benefit of the rating, but only those will apply for transfer whose disability rating will be increased by making the transfer.

Mr. SWEET. And that is to be done within three years.

Mr. ROBINSON. And that is to be done within three years of the passage of this act; yes.

Mr. SWEET. And if they do not make that application, or, so to speak, election?

Mr. ROBINSON. Then it goes by default, to remain on the previous basis.

Mr. SWEET. It goes by default.

Mr. ROBINSON. Yes, sir.

Mr. SWEET. Now the soldiers of the Spanish-American War, at the present time their service pension is \$30 per month, regardless of length of service?

Mr. ROBINSON. Yes, sir.

Mr. SWEET. That is, regardless of being connected with the service.

Mr. ROBINSON. That is the maximum; yes, sir.

Mr. SWEET. That is the maximum. Now then, you desire that the Spanish-American War veterans that take advantage, of course, of the war-risk insurance act, should connect their injury or disease with the service?

Mr. ROBINSON. Yes, sir.

Mr. SWEET. Now, how many would that apply to?

Mr. ROBINSON. 4,515 right now on the pension roll that will derive that benefit.

Mr. SWEET. Now, take the case of the man who is totally and permanently disabled, under the war-risk insurance act he receives \$100 a month.

Mr. ROBINSON. If totally and permanently disabled, yes; and the transportation to and from, with subsistence, and nurse if needed.

Mr. SWEET. And in addition to that he would receive his service pension under the Sells Act, would he not?

Mr. ROBINSON. No, sir; how would you have a man drawing two pensions for the same disability?

Mr. SWEET. That is the question I am presenting.

Mr. ROBINSON. We can fix that very easily in drawing that amendment.

Mr. SWEET. It is not your desire to contend for that at all, sir?

Mr. ROBINSON. No, sir; we are simply here for a square deal along with the boys of the late war. We want one standard. We want the hospital doors open to us, and we want transportation to and from, and subsistence, and nurse, if necessary. And when we die we do not want to be shoved out in the street in a plain pine box, but we want to have a decent coffin with a flag over it, and a decent burial like the veterans of the late war.

Mr. SWEET. And when he makes his election as to whether he be under the war risk insurance act or under any previous act, that ends the matter?

Mr. ROBINSON. Yes.

Mr. SWEET. He is under that act.

Mr. ROBINSON. Yes.

Mr. SWEET. He receives the same benefit, regardless of any other previous legislation.

Mr. ROBINSON. Yes.

Mr. SWEET. That is all.

Mr. NEWTON. Mr. Chairman, I think that no one can see any sound reason for legislating differently for one class of veterans, the veterans of one war than another, but this thought occurs to me. Heretofore it has been the practice of the country to grant pensions. I think the first pension bill following the Civil War, even for the wounded, provided for very small pensions.

Mr. ROBINSON. \$4 a month.

Mr. NEWTON. Very small, and was not passed until some years after the war. It was not during the war or immediately following. Then we had gradually increasing pensions for those who could trace their disability to the service. And then as the men get older, and as Mr. Huddleston has called attention to, 25 years after the war had closed, there was voted a service pension to men who had reached a certain age, as I recall it.

Mr. ROBINSON. And incurred certain disability.

Mr. NEWTON. A man who had reached a certain age, and had a certain sort of disability was given a pension.

Mr. ROBINSON. Yes.

Mr. NEWTON. Now this Sells Act put into effect that idea with reference to pension for the Spanish-American War veterans.

Mr. ROBINSON. Yes.

Mr. NEWTON. Now during the late war Congress passed the war risk insurance act, and in all of the discussions, as far as I recall them, relating to the act, the statement was made that the pension system was a bad system. That we have got to get away from it, and that we would be getting away from it by the enactment of a war-risk insurance act.

Mr. ROBINSON. Yes, sir.
 Mr. NEWTON. So that act was put into effect, and has been amended from time to time and liberalized.

Mr. ROBINSON. Yes, sir.
 Mr. NEWTON. Now at these very hearings men have appeared from the service organizations, and have said, "We do not want the pension system. We hope the time will never come when we will have a pension system." Now it rather seems to me that if the veterans of another war want to come in under the provisions of the war risk insurance act, that it raises the very question that has been put forth here by Mr. Mapes.

Mr. ROBINSON. In this morning's mail I received this check:
 "A rose by another name is just as sweet. There are 60,000 of us who waited over 20 years to get a pension for our widows from the Spanish-American War. Over 60,000 of us overlooked the Nation's neglect and got back into the service during the late war, and are now drawing compensation from the Government because of service in the late war. This is a compensation check. Now can you tell me what difference it makes as to whether I receive the compensation check for services in the Spanish-American War or in the late war? What difference does it make when I go to the grocer and order my groceries from him, whether I pay him with a check that I receive as a result of service in the Spanish-American War or the late war? I have to say in regard to the declaration of a lot of our younger comrades that 'We do not want pensions'. They take the money just the same, and it all comes out of Uncle Sam's pocket."

Mr. NEWTON. There is no question of where it comes from. Now, then, if this is extended to the veterans of the Spanish-American War, and then those who can not trace a disability to the service are permitted to receive a service pension, the same demand is going to come upon the part of the veterans of the late war, to be placed upon a service pension basis the same as the veterans of preceding wars. The result is that Congress then is going to have the example of the Spanish-American War veterans upon which a claim will be made for service pensions to those of the late war who can not trace their disability to the service, and it seems to me that it knocks out altogether the whole argument for the enactment of the war risk insurance act. And the benefits of that act were based considerably, if not almost wholly, upon the idea that there would not be a service pension. Now aren't we running up against that proposition?

Mr. ROBINSON. I don't think so. And taking any of these angles of administration, the fact remains, gentlemen, that a disabled veteran is a disabled veteran. A side of bacon or a sack of flour costs one veteran just as much as the other. The grocer does not discriminate between the veterans of one war as against the veterans of another war. The one has to pay as much as the other. This high standard of the late war was established upon the principle and the allegation of the increased cost of living, and we maintain that that applies to all veterans; that the high cost of living hits all equally alike, and no matter how much you may seek to apply this principle, or administer the law, the principle of a double standard is absolutely illogical, unjust and unfair, and is as immoral as the double standard of morals among the sexes.

Mr. NEWTON. Now somebody has stated within the last year, and submitted some figures—I am not sure just what it was, but it seems to me that it was presented in connection with the veto by the President of the Bureau Civil War veterans pension bill—that if we were not careful we would be having a compensation and a pension pension outlay of from four to five billions of dollars per year twenty or twenty-five years from now. Of course if there is anything to that figure, why it is appalling.

Mr. ROBINSON. Of course if they were disabled they would be entitled to pensions. But we are discussing nothing here this morning but one standard of disability pay for men who have been disabled in line of duty in service. That is what we are asking for this morning as Spanish-American War veterans. We are asking it not only for ourselves but for any other living disabled American veterans disabled in line of duty. And in our contention we represent not only our own organization, but five million veterans. The entire number of veteran organizations in this country for the first time are coming before you this morning united upon this issue.

Mr. NEWTON. Well, now, just this further question. I can see the practical difficulties in attempting to take away a service pension to-day from a Spanish-American War veteran who can not trace his disability to the service, but if this legislation can be applied as you proposed it here, to the Spanish-American War veteran in the future, would you then be willing to take the position of wiping out all service pensions in the future to Spanish-American War veterans under the Sells Act?

Mr. ROBINSON. No, sir.
 Mr. NEWTON. Well, I can appreciate that fact. I merely wanted to put the thought up to you, that is all.

Mr. ROBINSON. I believe firmly in the idea of a service pension after veterans have arrived at a certain age, for this particular reason. I have been associated with this disability problem ever since I got out of the hospital the last time myself. Out on the Pacific coast I am giving my entire time to this sort of work. Now, amendments are proposed, and they are under the consideration of this committee, increasing the time for T. B. and N. P. (or neuropsychosis), because we have found that two years' time is not adequate. That often a man will have a lung condition that will not develop into active pulmonary T. B. within the two-year period. So in treating service disabilities your committee is now considering the extension of time of those disabilities. There are many other disabilities that are not as apparent as T. B. or N. P. that are of service origin unquestionably. But they linger along, they smolder along for a long time, and later on they manifest themselves, and in order to do justice to these cases we establish a sort of a blanket pension, the service pension. Of course, old age is considered a disability, but the other disabilities that could not be handled—why, you could not write enough pension laws to cover all the disabilities that spring out of the service—the after effects of war. A man's vitality decreases, and the disability that may have been acquired in his system while he was in the service makes itself apparent. That is the idea of service pension. When Queen Elizabeth gave the first pension that was ever given in an English-speaking country, after the Crimean War, when she wanted to go out and take the air she was surrounded by multitudes of ex-soldiers who applied to her for pension, and while the statesmen were not looking she opened up the treasury and gave a pension of one shilling to every man who was disabled. The idea is not a gratuity, or it is not a charity. It is a question of a business proposition of helping to take care of the men in time of peace who defended this country in time of war.

Mr. MAPES. Mr. Robinson, does not your argument lead to this conclusion, the "it is better to have a service pension than legislation which comes in a matter to trace his disability to his service"? Isn't that a sounder proposition, that a man who serves his country in war, and is disabled, should receive Government help, whether he traces his disability to his service or not?

Mr. ROBINSON. No, sir; my contention is that both the service and the disability pensions have their legitimate place and function. Suppose I am very seriously disabled, or totally disabled, what would I do, or what would you do with \$30 a month to support yourself and family?

Mr. MAPES. Of course that might be an argument for increasing the service pension. Mr. ROBINSON. Our pension or compensation is entirely for disability incurred in service, and we will allow the future sessions of Congress to take care of the service pensions.

Mr. MAPES. Your principal contention is that the fellow who was disabled in service during the Spanish-American War is not getting enough pension. Isn't that the nature of it?

Mr. ROBINSON. Yes, sir. They ought to be brought up to the World War standard, based upon the present high cost of living.

Mr. MAPES. And if they get a sufficient service pension that would cure that without any inequality.

Mr. ROBINSON. Yes, but we contend that our first obligation as veterans, and the first duty of this Nation, is to those who have been actually seriously disabled in the defense of the country.

Mr. DENISON. Would it satisfy you or your organization if I increased your pensions under the present system, under your present status, so as to make them nearly equal, instead of mixing them up with the World War veterans?

Mr. ROBINSON. We want this thing standardized.

Mr. DENISON. What I wanted to know was whether or not it would meet the approval of your organization if the proper committee, the Committee on Pensions, should consider your case seriously and enact legislation?

Mr. ROBINSON. Yes. We want to get that standardized.

Mr. DENISON. And increase your pensions so that the Spanish War veterans would receive somewhat the same benefits as the veterans of this war?

Mr. ROBINSON. To answer your question: Experience has shown since the late war that we can get better service under the United States Veterans' Bureau. Now, that leads up to the other question of not only compensation or pension, and the standardization of disability pay for all veterans, but to the question of hospitalization. I wish to call the attention of the committee to this fact, that already provision has been made for the treatment of T. B. and N. P. cases arising out of the three Spanish wars. Since April 20 we have been allowed to hospitalize our tuberculosis and N. P. cases, but we have no transportation. A man has to pay his way. I have paid the way of men myself. The chief there has more than once paid the way of some Spanish War veteran to a hospital.

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The veteran of the late war can ride down there, get \$5 a day for shelter and subsistence, and has first-class transportation home, but we have got to walk or else take up a collection and send our comrades there, and if they die, we must take up another collection to take care of them after they have passed out of the hospital. And there is one point I wish to emphasize before the committee, no matter what may be done with other things. There is a point that should not be overlooked, and by all means before this Congress adjourns we should make provisions for transportation and subsistence and nurse, if necessary, for Spanish War veterans to enter the hospitals the same as now provided for veterans of the late war.

The CHAIRMAN. We will now be obliged to adjourn until 10 o'clock to-morrow morning.

(Thereupon, at 11.15 o'clock a. m., an adjournment was taken until 10 o'clock a. m. of the following day, Saturday, February 10, 1923.)

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE,
HOUSE OF REPRESENTATIVES,
Saturday, February 10, 1923.

The committee met at 10 o'clock a. m., Hon. Samuel E. Winslow (chairman) presiding.

The CHAIRMAN. If the committee will come to order, we will proceed with the consideration of the Veterans' Bureau bill, so-called. Mr. Robinson, will you resume, continuing your statement further or submitting to questions of the committee, just as you desire.

STATEMENT OF MR. DWIGHT H. ROBINSON, SPECIAL REPRESENTATIVE OF THE COMMANDER IN CHIEF OF THE UNITED SPANISH WAR VETERANS—Resumed.

Mr. ROBINSON. Mr. Chairman and gentlemen of the committee: There are two or three items I would like to mention before this subject is finally turned over for consideration. I wish to say first of all, following the close of the discussion yesterday, that in the history of all pension legislation there has always been an alternative between service pensions established as a blanket disability pension and special or general pension laws. The veterans of the Civil War have had that alternative. The veterans of all wars have had an option between a general service pension and specific ratings established under general pension laws, so that the question that was raised by one of the members of the committee here yesterday as to giving us an option as to whether we would remain where we are under the Pension Bureau or whether we would elect to transfer our claims to the United States Veterans' Bureau and a possible higher rating, is the same option that has existed in one form or another in the history of all pension legislation.

Mr. MAPES. Does it exist now as to Spanish-American War veterans.

Mr. ROBINSON. It exists in this way: They may remain under the general pension laws if they so desire, of whom there are 4,545 under such general pension laws having a disability of more than 10 per cent, which would make those men eligible to immediate transfer to the benefits of the War Risk Insurance Act, if such a law as this is enacted.

Mr. MAPES. As far as the option is concerned that you are now speaking of, the same option exists for the Spanish-American War veteran as exists for the veterans of the Civil War and other veterans.

Mr. ROBINSON. Yes, sir. The option at the present time exists and a veteran may do one of two things: He may remain under the general pension laws which pay from \$6 to \$72 a month or he may elect to come under the Sells Act for disability which may or may not be incurred in the service.

Mr. SWEET. Let me ask you this question right in that connection. For instance, a man served in the Spanish-American War and was disabled more than 10 per cent. He is drawing a pension to-day under the pension laws.

Mr. ROBINSON. Under the general pension law.

Mr. SWEET. Yes; under the general pension-law which was in force prior to the enactment of the War Risk Insurance Act, but we will say he was not so impaired by what he got into the service again in the World War.

Mr. ROBINSON. Yes, sir.

Mr. SWEET. And we will say, for example, that he was disabled in the World War. As the law now exists, would it be possible for him to draw a pension under the general law for the first injury and also draw compensation under the War Risk Insurance Act?

Mr. ROBINSON. No, sir; not under existing law.

Mr. SWEET (continuing). For the disability that he received while in the World War?

Mr. ROBINSON. No, sir; this is exactly what would happen. Out of the 60,000 Spanish-American War veterans who got into the late war, many of them—

Mr. SWEET (interposing). How many of them?

Mr. ROBINSON. There were 60,000 Spanish war veterans who entered the late World War, many of whom had minor disabilities and were drawing pensions at the time. In order to enter the service again they waived their pension claims for the time being. Eighty-five per cent of all of the commissioned officers in the late war were Spanish war veterans. Remember that.

Mr. SWEET. That is what I understand.

Mr. ROBINSON. Now, we will take the case of a man who had a minor disability, and waived his pension in order to enter the service of his country a second time, and came out in as good condition as when he went in. He would then simply revert to his former pension status when he was again discharged from the second war. If the same man entered the service and if he received further injury, he would then be rated under the United States Veterans' Bureau, rated upon this higher and more modern rating of the United States Veterans' Bureau, and would be compensated for the disability which he had received in the late war according to the standard of the late war under the United States Veterans' Bureau.

Mr. SWEET. And would draw no compensation for any disability he might have received during the Spanish-American War.

Mr. ROBINSON. No, sir; because he waived that when he went in. If he so desired, if his disability incurred in the prior war was greater than disability incurred in the late war, he might then elect to reestablish his previous disability and draw pension for the same.

Mr. SWEET. Yes; that is the way I understood it.

Mr. ROBINSON. Now, there is another point, in considering the practical aspects of this question: We have two bureaus here, the Pension Bureau and the United States Veterans' Bureau. Under general pension laws which were established for the government of the Pension Bureau as far back as during the Civil War, pension disabilities were determined on a basis of specific injuries and a rating in dollars and cents was attached, hard and fast. When we created the War Risk Insurance Bureau and later the Veterans' Bureau, we established another system of ratings and determining reimbursements. We have not only two different standards of disability pay expressed in dollars and cents, but two different medical standards by which these disabilities are determined, and when the question was raised here yesterday, did we prefer to continue our claims under the old Pension Bureau with its antiquated, Civil War system of rating that is far more intimate and intelligent and with more latitude to the examining surgeons to actually fix the compensation to the man's condition, we expressed the unanimous desire to have our claims placed under the United States Veterans' Bureau where we could get more efficient, more speedy, and more satisfactory service under this big organization which is decentralized, with its representatives throughout the United States, "carrying service to the veteran."

In the twelfth district of the United States Veterans' Bureau, which comprises California, Nevada, and Arizona, we have nearly 1,000 employees. That institution exists entirely for the care of the veterans of the late war. As far as I know, we have one man in the State of California as their representative of the Pension Bureau to take care of all the claims of all the other veterans (and all of their dependents) of the previous wars. It is for that reason, and on account of hospitalization especially, that we are supporting this bill which would give us the option of transferring our claims to the United States Veterans' Bureau.

Speaking of hospitalization, we have a great chain of hospitals to which we are constantly adding to from one end of this country to the other. They are great humanitarian institutions performing a wonderful and much needed service, but, until April 20 of last year, when the Langley bill was enacted, it was impossible in any one of these hospitals or at any one of our excellent clinics which we have throughout the United States, to give a dose of the simplest medicine to any veteran other than a veteran of the late war.

We Spanish War veterans feel, and I also feel, as a veteran of the late war, that inasmuch as we are maintaining these many institutions and as we are giving this great service, at a cost, I believe, for the present fiscal year of \$520,000,000—I feel that the cost of extending that service to the disabled veterans of previous wars would be a mere "drop in the bucket" as compared with the cost of maintaining the institutions

which are already established, and with the overhead which must continue not only for this year but for many years to come. It is because of this immediate need of hospitalization that we again insist upon coming under the provisions of the War Risk Insurance Act as amended by the Sweet law. We are willing to waive vocational training, we are willing to waive insurance unless there shall be a reorganization of the General Government Insurance plan. We, of course, would be very glad then to avail ourselves of such an opportunity if the reorganization of the insurance plan is suited to men of our age. We know that we never can get what the veterans of the late war have received. We are too old to profit by opportunities of Federal vocational training, where as high as \$162.50 a month is paid for subsistence for the veteran and his dependents, besides free tuition and textbooks, all of which is provided for disabled veterans of the late war, some of whom have "vocational handicaps" and disabilities not to exceed 10 or 15 per cent.

That is "all to the good" for the boys of the late war, and we are mighty glad that they are getting it. We waive that. We waive insurance, unless conditions arise where we can come under that under a reorganization, and while this is not involved in the bill, I want this to be incorporated in this record in bold type. We Spanish War veterans protest vigorously against the enactment of land laws such as were passed for the Klamath Lake project in Oregon, and which will open Federal lands to entry exclusively for veterans of the late war. During the next 10 years, as, for example, on the very desirable and fertile Klamath Lake project, that right is denied to any Spanish War veteran or any other veteran other than a veteran of the late war who might desire to take up such lands. We have never asked for a bonus for ourselves. We shall insist—and while it is not incorporated in this bill it is germane to the subject—we shall vigorously insist, Mr. Chairman and gentlemen of the committee, that land laws that may be enacted in the future shall not be made discriminatory against Spanish War veterans or any other veteran who served the flag with honor, regardless of time or place of service.

Mr. LEA. Mr. Robinson, is it convenient to ask you a question at this point?

Mr. ROBINSON. Certainly.

Mr. LEA. You have made quite a study of the probable expense of these proposed changes, have you not?

Mr. ROBINSON. Yes, sir.

Mr. LEA. I would like to hear your comments on that, giving us the source of your information and the conclusions as accurately as you are able to give them.

Mr. ROBINSON. A comparison has been made by the medical officers of the United States Veterans' Bureau between the rates allowed by the Pension Bureau and the United States Veterans' Bureau. There are some ratings which can not be accurately compared, but out of 52 comparable ratings we find a difference which in the 52 cases strikes an average increase of \$12.95 over the similar ratings of the United States Pension Bureau. Out of the number of Spanish War veterans who at the present time are receiving pensions under the general pension laws (which means disability of proven service origin) we have 4,515 such veterans who are drawing disability pay on pensions on disabilities of 10 per cent or more. If you will take this general average and the number of men who will immediately be involved because their disability of 10 per cent or more service connection has already been established, you will find it will cost \$708,705.

Mr. LEA. That is for the increased compensation?

Mr. ROBINSON. That is for the increased compensation and does not take into account the slight increase in the cost of hospitalization for these veterans who may require hospital or home treatment.

Mr. LEA. Have you made a separate estimate of that amount?

Mr. ROBINSON. That is a thing which it would be impossible to compute at the present time. I was down at the War Risk office yesterday, and I find that we have at the present time 39 Spanish War veterans in the United States Veterans' Bureau hospitals, which include both neuropsychiatric and active pulmonary tubercular cases.

Mr. SWEET. You say 39?

Mr. ROBINSON. Yes; but these are neuropsychiatric or tubercular cases.

The CHAIRMAN. Mr. Robinson, the statement has been made here by several witnesses that the peak of hospitalization for veterans of the recent war has probably been reached and that the run is downward and likely to continue so. Does that meet your approval as to accuracy or probability?

Mr. ROBINSON. Expressing my personal opinion, I would say that we have not, at least in my district, which is the twelfth, reached the peak. We are still on the rise, but you will please understand that out there in the Southwest we are in a country whose climate is peculiarly suited to the treatment of tubercular and neuropsychiatric cases. I believe that the general condition throughout the country will show a decrease in the number of World War veterans in Government hospitals.

chiatric cases. I believe that the general condition throughout the country will show a decrease in the number of World War veterans in Government hospitals.

The CHAIRMAN. That statement has been submitted chiefly, and I think perhaps entirely, by those officially connected with the bureau, so that it would seem to warrant the conclusion that it is correct. On that assumption, would you consider that provision for hospitalization of veterans other than those of the late war would not incur any added overhead expense in the upkeep and operation of the hospitals?

Mr. ROBINSON. In the upkeep of the hospitals the overhead is already established, and while you will see that we only have 39 in the hospitals at the present time because they are special cases there would be no increase, in my opinion, in the overhead.

The CHAIRMAN. The expenses would all be in the matter of food and medicine and practically entirely that.

Mr. ROBINSON. It would be a matter of food, medicine, and attention; and in addition to that, we are insisting that an omission in the late Langley law be corrected in the matter which I referred to yesterday of provision for transportation to and from hospitals.

The CHAIRMAN. That is outside of the hospitalization, but is connected with it.

Mr. ROBINSON. That is part of it, because just the other day a boy came down from Stockton beating his way, came into San Francisco, and he was prepared to beat his own way south, and he was a man with active pulmonary tuberculosis.

Any one of our veterans of the late war could simply go before a doctor and, after being examined, and almost anywhere in the State of California, if it was established that he had tuberculosis or had any kind of a disability that might be connected with the service—we hospitalize men upon suspicion and give them the benefit of the doubt and put them in a hospital, care for them, and then the bureau endeavors to assist them to establish their claim as being of service origin; but this boy was starting to hobo it to Arizona to get into a hospital. He was a "lunger," flat-chested, hiking down the road, getting rides in automobiles wherever he could, simply because of the omission in section 4 of the Langley law, passed last year, and Mr. Chairman and gentlemen of the committee, we would respectfully insist that attention be given this matter, and whatever may be done in other matters relative to this issue, that transportation with subsistence to and from shall be provided for our veterans; and further, that when a Spanish War veteran dies in a Government hospital he will not be kicked out of the back door in a pine box, and the Spanish vets be compelled to take up a collection to bury their comrade.

Mr. NEWTON. It is not my understanding of existing law that the funeral expenses of any man who is not in the service are paid.

Mr. ROBINSON. Of anyone who is not in the service?

Mr. NEWTON. Yes; am I not correct in that, Judge Sweet?

Mr. SWEET. It applies to the World War veterans and to those who are connected with some governmental institutions at the present time. That provision is made for funeral expenses in the appropriation bill.

The CHAIRMAN. For those in hospitals.

Mr. SWEET. For those in hospitals.

Mr. NEWTON. So far as the War Risk insurance act is concerned, then as passed it only applied to men who had not been discharged and who died previous to discharge, did it not?

Mr. SWEET. That is true.

Mr. NEWTON. And then that amendment was put on in a rider to the appropriation bill.

Mr. SWEET. In a rider to the appropriation bill which made provision for funeral expenses, and that has been done purely in the appropriation bill. As far as the law is concerned, it simply took care of those who died prior to discharge or resignation from the service.

Mr. NEWTON. That is the reason I have not been able to understand this matter of why they have taken care of many of them.

Mr. SWEET. That question came up during the first day of the hearings. The only authority for paying the funeral expenses of World War veterans who have been discharged from the service is contained in the appropriation bill.

Mr. GRAHAM. Do you mean there was authority to do it as a regular practice, or was there just simply an appropriation for that purpose?

Mr. SWEET. There is an appropriation, and the language is general. It says funeral expenses and preparation of body for burial.

Mr. GRAHAM. Then that would expire with the appropriation.

Mr. SWEET. It expires with each appropriation bill. There is nothing in the fundamental law allowing that.

Mr. NEWTON. And that provision would be subject to a point of order.

Mr. SWEET. It would be, if somebody raised it.

Mr. LEA. I would like to ask Mr. Sweet if there is a provision for the burial expenses of Civil War veterans at the present time?

Mr. SWEET. I am not certain as to that, but I do not think there is.

Mr. HUDDLESTON. No, there is not.

The CHAIRMAN. Mr. Robinson, you emphasize the fact that further hospital treatment as such, regardless of these incidentals you mention, would be at the minimum of cost.

Mr. ROBINSON. Yes, sir; absolutely. There would be no additional overhead. It would simply mean the expense of a can of ether, some surgery, and his attention, and food.

Mr. LEA. Mr. Robinson, what was your conclusion from the investigation you have made as to what would be the maximum amount required to meet the provisions you have suggested here.

Mr. ROBINSON. As you will understand, this is an approximation. We have made as careful a comparison as possible, and while the figure we have here is \$708,000 let us allow for some slight increases and make a liberal allowance for hospitalization, and then I think it would easily come within \$1,000,000.

Mr. MAPES. In that connection, I would like to ask you whether the method of fixing the percentage of disability in the Pension Office and in the Veterans' Bureau is similar or the same.

Mr. ROBINSON. No, sir. They are dissimilar in this particular, that the original rating under the general pension laws of the Civil War period and later are blocked out. A man who has this disability receives so much, and if he has something else, he has so much, but in our ratings in the United States Veterans' Bureau there is a range of latitude; for instance, a rheumatic condition, a condition of arthritis, if a man is able to move his arm in this position that is taken into consideration, because that gives him that amount of service, and if the trouble is up here [indicating] and he can not move it, then that arm is the same as off. The rating differs and it is more humanely and more intelligently and more scientifically adjusted to the actual condition of the man, and the rating is arranged in a manner to come closer to the actual rating and to a proper judging of the degree of disability.

Mr. MAPES. What I had in mind was this: If the rating in the two departments is different, or if the method of arriving at the rating is different, how can you, with any close approximation, reach any conclusion as to what the effect would be if you came under the Veterans' Bureau.

Mr. ROBINSON. I can answer that very easily. In the table I have prepared here I have taken my figures only from those ratings which can be compared. All through this table you will see occasionally here "not comparable," and these are where the ratings coincide or where the methods of rating coincide.

Mr. MAPES. What percentage are comparable?

Mr. ROBINSON. More than three out of four, or just about three out of four that can be compared. So we are basing our estimate there of a difference of \$13 a month on three-fourths of the total number of disabilities listed.

Mr. HUDDLESTON. Mr. Robinson, I am under the impression that there is an essential difference in the method of rating in the Veterans' Bureau and the Pension Office so far as Spanish War veterans are concerned in this respect. That in the Veterans' Bureau temporary disabilities are rated. Whereas in the Pension Office it is only permanent disabilities that are rated.

Mr. ROBINSON. Yes, sir.

Mr. HUDDLESTON. A World War veteran may receive, we will say, a 10 per cent rating upon some purely temporary disease, whereas a Spanish War veteran can get nothing in the Pension Office unless his disability is found to be permanent.

Mr. ROBINSON. There is no temporary rating in the Pension Bureau.

Mr. HUDDLESTON. For instance, if it is a disability like arthritis or hemorrhoids or something else which might be considered to yield to treatment, no matter what the extent of the disability may be, the Pension Office will not allow even 10 per cent on it, if they consider it might yield to treatment, whereas the Veterans' Bureau bases their rating upon the actual extent of the disability?

Mr. ROBINSON. Yes, sir. In other words, we have worked out in the United States Veterans' Bureau a modern, scientific method that comes somewhere near meeting the needs of the men on a just and equitable basis. Take now the situation of two veterans. Here is one veteran who has a disability of service origin that needs attention. The United States Veterans' Bureau hospitals are closed to him, if he is a Spanish War veteran, unless he is suffering from T. B. or N. P.

Mr. GRAHAM. I know, of course, what you mean by T. B., but what do you mean by N. P.?

Mr. ROBINSON. Neuropsychiatric cases—nervous and mental troubles. With the exception of those two diseases, the doors of all this wonderful chain of hospitals stretching from one end of the country to the other are closed to Spanish War veterans. It is just like a boy wrote me recently that his doctor had told him that he had fought in the wrong war, that was all, and could not get in the last one.

On the other hand, here is a young man who has been in the late war. He was in the war, no matter whether in the front line trenches or in a cantonment for two years or one month. He may have been there only three days, but something comes up and the boy is not feeling right, and he goes before some of our examining physicians and they can not see exactly what is wrong with him, but giving the boy the benefit of doubt, the enter him in a hospital. Now, it does not cost that boy a nickel to go to that hospital. When he reaches our office they give him a blue card of admission, and he is supplied with meal tickets, and is supplied with first-class transportation; and if it is an acute case, a nurse would also be provided and he is taken to a hospital in a decent manner, as should be done by a grateful Government. We are proud of the service we are able to render these young veterans. He goes in the hospital and even his personal laundry is furnished him free. He has the best of attention and the best of food and clean, sanitary conditions under which to live. Now, that man is in and the other man is standing on the outside. Here is a picture of what we did 20 years ago and what we are doing to-day, and we are insisting that inasmuch as we do this to-day for four and a half million men that the little handful of veterans of previous wars, if they need the same treatment, should be given the same consideration.

If a boy of the late war develops a serious difficulty or even if it proves it is a minor difficulty, if they find it is good for him to continue in the hospital at an expense of approximately \$6 a day, which I think will cover the average of most of our hospitals, that is \$180 a month, and his personal laundry is supplied him and other institutions supply him with tobacco and the little creature comforts, if he does not have any money, and after hospitalizing him for a couple months, if he shows that he has a condition that would guarantee a rating of 10 per cent disability of service origin, as long as that boy stays in the hospital he gets \$80 a month in cash besides all of this free treatment. If he has a wife he gets \$10 more for the wife, and if he has a child, \$5 for the child. There is \$95 a month, and who could not get well, being taken care of in that manner, with \$95 to provide for a wife and child on the outside while he is in the hospital and kept away from his work?

Mr. COOPER. Mr. Robinson, I take it you know something about hospitalization of our World War veterans. I am under the impression that there is a propaganda going out to these boys who are now in our hospitals to have Congress take some action whereby they can be released from the hospitals and taken care of in their homes, in their home cities, and in their own communities. I received a letter this morning from a young man who was originally from my district and it was a pitiful appeal. He wanted me to support legislation that would bring about such a condition as that, and I would just like to have your opinion as to what you think about the care that the boys are getting in our Government hospitals.

Mr. ROBINSON. The hospitals in our district I consider excellent. Some of our buildings are poor but the hospitals which are directly under our control are different. The worst feature in the whole hospital situation has been the fact that we have had to employ contract hospitals, because when you make a contract either with a contractor or with a school for vocational training or a contract with a privately owned hospital, the contractor is there for profit, whereas in the case of our Hospital No. 24, at Palo Alto, Calif., that is our own institution. We stand all the expense and it is run as a Government institution, and there is no profit in it for anyone, and I think that we have very fine service in our own institutions which are not run for profit but are run directly by the Government.

Mr. COOPER. Let me put the question to you in this way: Do you believe that the boys would get better care at home than they would receive in Government hospitals, or do you believe that they can be better taken care of in Government hospitals?

Mr. ROBINSON. I will have to answer that in this way—

Mr. COOPER (interposing). Because I believe there is propaganda going around which is making the boys dissatisfied.

Mr. ROBINSON. Yes, sir.

Mr. COOPER. My personal opinion is that the Government had better take care of them, but I would like to have your opinion also.

Mr. ROBINSON. I will answer that question in this way: Personally, I prefer to see the boys remain in the Government hospitals, but we have authority at the present time, if upon investigation of the home surroundings we find, for instance, that here is a man who has a wife and child and his condition is such that he might have more con-

ment and be better satisfied to be at home, and if his disability is of such a nature that he can get along well with an occasional visit from a doctor, we have this outpost treatment and we are giving that to such boys every day.

As a matter of fact, we are encouraging men whose disabilities are of such a character and men whose home surroundings are of such a character as to be beneficial instead of detrimental, to receive treatment, and they can receive their compensation just the same in their homes as in the hospitals. We are not trying to concentrate these men.

Mr. COOPER. The reason I mention that is because this boy says in his letter to me that he has been on his back for seven months. Now, you would not recommend that a boy like that should go home?

Mr. ROBINSON. No; I would not. If I were an active TB I would certainly insist, if I had a family, upon remaining in the hospital where I could be taken care of in an orderly manner.

Mr. COOPER. The safety of the community and of the public demands that.

Mr. ROBINSON. Yes, sir.

The CHAIRMAN. Mr. Robinson, you made a very hearty and I think eloquent appeal for the veterans of all wars to be included with the World War veterans for hospitalization, etc. I want to ask you if in your judgment, and so far as you are authorized to reflect the opinion of your association, you would think it would be better for the people of the country, and more to the credit of the Government, if we should take on the obligation you suggest rather than to pay bonuses to able-bodied veterans of the last war?

Mr. ROBINSON. I consider that the first duty of veterans organizations, I consider that the first duty of this nation, is first of all to make amends and reparations as far as possible for these men and women who have been actually disabled in line of duty. The disability problem, in my opinion, is the paramount issue and will be until it is settled in a just, a decent, and a generous manner, that will make ample and generous provision for all disabled veterans of all wars who have been disabled in line of duty.

The CHAIRMAN. Would you have the committee understand from your answer that it is affirmative?

Mr. ROBINSON. I would have the committee understand from my answer that they are two entirely separate and distinct problems. That the matter of adjusted compensation or the so-called bonus, and the matter of a disability incurred in service, are two entirely independent questions. The Government takes care of its horses and mules, and it seems to me self-evident that it should do as much for the soldier. That is the first obligation of the Government, and that is why we are appearing on here to-day, not discussing the bonus, but we are insisting upon the elimination of the lines of discrimination in the care of our disabled veterans who have disabilities of service origin.

The CHAIRMAN. Do you want it understood by the committee or by the chairman who asked the question that you are side-stepping the comparison?

Mr. ROBINSON. I am not prepared to speak for the organization on that point.

Mr. GRAHAM. I take it, Mr. Robinson, you are connected with the Veterans' Bureau, are you?

Mr. ROBINSON. Yes, sir.

Mr. GRAHAM. In what capacity?

Mr. ROBINSON. As a contact representative. I am now on special leave.

Mr. GRAHAM. So you are pretty familiar with the workings of the board?

Mr. ROBINSON. Yes, sir; I have been with it since it was created.

Mr. GRAHAM. Perhaps it is not proper to discuss this particular discussion, and I do not want to go into it at length, but what has been your experience, briefly, about the decentralization of the bureau in its effect upon the veterans?

Mr. ROBINSON. I have had dealings with the bureau both in its old centralized form, when it was all here in Washington, and for over a year and a half under decentralization. I fought very hard for decentralization from the start, and I wish to say that having been with one of the units since the beginning, that while not yet perfected, it is infinitely preferable to the old centralized system. We are doing now in weeks what we did not do in months when the War Risk Bureau was all centered here in Washington. Decentralization has been the means of establishing the greatest efficiency of any bureau of its kind that was ever created. Decentralization is the right principle of taking service to the man, and not having a man continually after his Congressman to take up a matter with the Pension Department or with the central office. I am aware that many of the Members of the Congress still have occasion to visit the United States Veterans' Bureau but I think that number very small in comparison to the number of visits you would be called upon to make by your constituents if it was all centralized in Washington. I am heartily in favor of decentralization, after having been under the decentralization system for over a year and a half.

Mr. NEWTON. Most of our time is now taken up in having them try to find the files that are shooting around all over the country from Minneapolis to San Francisco and every other place.

Mr. SWEET. In that connection, I would like to state that I think the decentralization has been the means of putting the bureau in contact with thousands of men who would never have known their rights and would never have received proper treatment from the bureau if it had not been for decentralization.

Mr. ROBINSON. That is absolutely true.

Mr. GRAHAM. Now, to recur to the matter before us, the matter suggested by you extends the aid or the benefits of the Veterans' Bureau work to all soldiers of other wars.

Mr. ROBINSON. Who have disabilities of service origin.

Mr. GRAHAM. Yes; and therefore would include not only your organization but the Civil War soldiers and such other soldiers as might come within it.

Mr. ROBINSON. Yes, sir.

Mr. GRAHAM. It seems to me that the trouble about this matter now is that it is being pressed at this time when we have only about three weeks of the session left. The matter you suggest is a matter which requires some thought, and some investigation, as to what additional burden will be put upon the Government. I know so far as I am concerned that I would like to hear from statistical officers of the Veterans' Bureau and others who could give some approximate estimate of what it was going to be, and the question is whether it is wise to go into that kind of a hearing and hold up this bill, which seems to be very essential, in the parliamentary situation we are now in.

Mr. ROBINSON. The evidence which I am putting in the minutes here was prepared by Robert U. Patterson, assistant director. We first went to the United States Pension Bureau and got their data there, took it over to the United States Veterans' Bureau, and he worked it out in detail, so as near as I can make an approximation, here it is; and that general average is multiplied by the number of men whom the report of the Pension Bureau shows would be subject to come under the act.

Mr. GRAHAM. Are you not of the opinion that the injection of an amendment of this kind into this bill at this time might result in such delay as would imperil the entire legislation?

Mr. ROBINSON. No; I do not think so.

Mr. GRAHAM. You appreciate, do you not, that it will create some controversy?

Mr. ROBINSON. I do; yes, sir.

Mr. GRAHAM. And controversy at this time with three weeks to go on may be fatal.

Mr. ROBINSON. But it seems to me there should be no considerable delay or discussion on the principle of giving veterans of previous wars the same advantages as are now enjoyed through existing legislation for the veterans of the late war.

Mr. GRAHAM. I do not disagree with you, Mr. Robinson; in fact, I have been a very earnest advocate of the rights of the Spanish War veterans, but I remember about a year ago, or whenever the last Spanish War pension bill was passed, which it gave me great pleasure to support on the floor, the statement was made there repeatedly by members of the Spanish War veterans group in the House, and by the chairman of the committee, that the Spanish War veterans did not expect the same benefits as were given by the Veterans Bureau, and if they got that act passed they would be satisfied. Now, that statement was made on the floor of the House repeatedly. The question now is whether the injection of this amendment, in view of that situation, will not promote such controversy that we will not get it through. I know those things of my own personal knowledge because I was present on the floor and I had interviews with the officers of your organization at that time. Personally, I would like to see you get this legislation but I am wondering whether it ought not to be deferred until the next session of Congress, when we could go at it in a systematic way and get it enacted.

Mr. EXTENSA. Pardon me for interrupting, but I would like to make a correction as to Mr. Carlson on that measure. It was the widows' pension that he made comments about and not this bill.

Mr. GRAHAM. It was the Sells bill.

Mr. MEIER. No; the Sells bill was enacted in 1920 and he was not commander-in-chief at that time.

Mr. GRAHAM. It was the last measure that was before the House.

Mr. HUDDLESTON. Being, in a sense, one of the Spanish War group in the House, although merely as an individual, at that time I protested, as the Congressional Record will show, against the discrimination against Spanish War widows and said they were just as worthy as any other widows and ought to have just as much. So that I do not think it can be said that all of us are concluded by silence on that occasion.

Mr. GRAHAM. I think I remember that statements were made by Mr. Greene, of Vermont, and Mr. Robison, and others, of the tenor I have just stated.

Mr. HUDDLESTON. I think Mr. Robison made that statement. I do not remember Mr. Greene making the statement. To the contrary, Mr. Greene came to me privately and congratulated me on having said what I had, and said it was absolutely true. What he said publicly, I do not recall.

Mr. GRAHAM. Well, I do not either.

The CHAIRMAN. Mr. Robison, Mr. Graham, of the committee, has mentioned in no unfriendly way, the suggestion of a change of heart as to satisfaction with past legislation for all time. I presume in behalf of the veterans you represent you would reserve to yourselves the same right to change your mind from time to time that the veterans of the late war seem to reserve for themselves.

Mr. ROBINSON. We do not ask quite that much license, Mr. Chairman.

Mr. HUDDLESTON. Mr. Robison, considerable stress was laid in the examination on yesterday upon alleged differences in principle between "the pension system" and the so-called "compensation system."

Mr. ROBINSON. Yes, sir.

Mr. HUDDLESTON. May I suggest this thought: "Compensation" connotes "indemnity." Compensation means that the party who receives it is receiving pay based upon the extent of his loss.

Mr. ROBINSON. Yes, sir.

Mr. HUDDLESTON. The soldiers relief bill as originally presented to the House was a compensation measure in the true sense of the word, in that ratings for the payment of compensation were based upon the amount which the soldier was receiving as his pay. In other words, he was to be awarded a certain percentage of the pay which he received as a soldier. I do not just remember the figures just now, but we will say that if he was a private soldier receiving \$30 a month, he was to receive 50 per cent, which would be \$15 a month for disability, and if he were an officer receiving \$300 a month, he would receive 50 per cent or \$150 a month. That principle ran throughout the bill, and it was in the true sense "a compensation bill." It was intended to bring in an entirely new principle and to compensate disabled men upon the basis of their earning capacity, conforming to the ordinary principles of workmen's compensation laws. May I say, without intending to put myself forward, that I made a speech in the House opposing that principle, and later, in collaboration with Mr. Black, of Texas, an amendment was prepared which he introduced and which was adopted, and which completely subverted that principle and put compensation upon the basis of absolute equality, without regard to what the soldier's rank or what he was receiving as pay for his services.

So that the bill was no longer a compensation bill in any true sense, no longer based on indemnity, no longer based on the soldier's earning capacity, but was based upon a level amount just as though he had been granted a pension. So that the fact is that in the true sense of the word we have no compensation legislation now. It is a mere pension system. It is true it is administered by a different bureau and upon a very much more liberal plan, at the same time the fundamental of it is that it is a pension system and not a compensation system.

Mr. ROBINSON. Yes, sir.

Mr. HUDDLESTON. And can not be differentiated in principle from the old pension legislation.

Mr. ROBINSON. No, sir.

Mr. SWEET. In that connection, let me say, however, that after the amendment which Mr. Huddleston refers to was adopted, which only in a measure took care of the situation, a plan was finally worked out which is at present in the law, and that is this: There were four standards set up—total permanent, partial permanent, total temporary, and partial temporary—and that covered the whole field of disabilities, and then vested in the Veterans' Bureau a discretion to pass upon the percentage of disability in accordance with the impairment of earning capacity. That covers the whole field. Under the old pension system, and the system which is now in force, they simply relate to specific amounts as far as may be for permanent injury.

Mr. ROBINSON. Yes, sir.

Mr. SWEET. That is the difference between the two systems as they are at work today.

Mr. HUDDLESTON. Mr. Chairman, may I say that the ratings of permanent injury under the pension system is based upon the identical feature that Mr. Sweet points out, upon which the ratings of the Veterans' Bureau are based, to wit, impairment of earning capacity?

Mr. ROBINSON. Yes, sir.

Mr. HUDDLESTON. It must be an impairment for the performance of manual labor.

Mr. SWEET. That is true.

Mr. HUDDLESTON. And whether the party be a common laborer in a ditch or whether he be a man who works with his brain solely, he gets exactly the same amount.

Mr. SWEET. Yes.

Mr. HUDDLESTON. Without regard to his earning capacity in the sense it is graded according to his calling. In other words, the phrase "earning capacity," assumes that all men are absolutely equal. That is the fundamental principle of the veterans' act and is also the fundamental principle of the pension laws. There is no difference in that respect between the two laws.

Mr. SWEET. In that respect it is true, but under the Veterans' Bureau act, if I may call this to the attention of Mr. Robison, we cover the whole field, while under the old pension act we do not cover the whole field of disabilities.

Mr. ROBINSON. So much for an arm off or a leg off and the surgical disabilities are the principal ratings. You will find in this chart here that it is a hard-and-fast plan.

Mr. HUDDLESTON. Is that the Pension Office chart of ratings?

Mr. ROBINSON. Yes.

Mr. HUDDLESTON. Mr. Chairman, would you object to that going in the record? The CHAIRMAN. Not at all.

Mr. SWEET. I would like very much to have that put in the record, Mr. Huddleston.

The CHAIRMAN. Please submit that to the reporter for insertion in the record.

(The statement referred to follows.)

"Lest we forget."

	Civil War.	Spanish War (Including Philippine and Chinese rebellion).	World War.
Period of war.....	Apr. 15, 1861-May 1, 1865, 4 years.	Apr. 21, 1898-May 12, 1901, 3 years.	Apr. 6, 1917-Nov. 11, 1918, 2 years.
Number of men engaged.....	2,213,265.	498,151.	5,019,874.
Number of deaths.....	349,944.	126.	9 months, including service after close.
Percentage losses.....	12.6.	14 months, not including service after close.	\$30 and wife and parents \$15, each child \$7.50.
Average term of service.....	11 months.	14 months, not including service after close.	\$30, 168,625,707.
Pay of soldier.....	\$13 per month with bonus of \$50 to \$600.	\$15.60.	
War cost United States.....	\$5,500,000,000, including slaves and burned cities.	\$1,200,000,000, including payment to Spain.	
Value of property acquired.....	None.	\$5,000,000,000.	None.
Average paid out by United States in pensions and benefits per man serving in war.....	\$2 each; \$92,171,697 in 1885, twentieth year after war.	\$21 each; \$9,500,000, in 1921, twentieth year after war.	\$125 each; \$50,000,000, in 1921, third year after war.
Volunteers in service.....	62 per cent.	100 per cent.	36 per cent.
Drafted in service.....	38 per cent.	None.	64 per cent.
Foreign service.....	Navy only.	61 per cent.	46 per cent.
Hospitalization.....	Immediate; no limitation.	Began October, 1922; limited to insanity and tuberculosis.	Immediate; no limitation.
Vocational training.....	None.	None.	At once, with \$60 to \$125 per month.
Land grants.....	General.	None.	Bill in Congress.

Mr. ROBINSON. May I raise this point on the comparison that Mr. Huddleston and Mr. Sweet have been making on the system of judging disabilities? The pension law reads, defining total disability under the general pension law, as inability to perform manual labor, while our law reads inability to continuously follow some form of gainful employment, and there is the basis of each bureau on its disability ratings and partial disabilities, either permanent or temporary, are based upon that principle; but if you will look at the inequality you will find that as I told you a short while ago the average difference in rating is about \$13 a month. We have three classes of ratings in the Pension Bureau, inability to continuously perform manual labor, \$30; the same condition requiring assistance of nurse or attendant at times, \$52; inability to perform manual labor and requiring a nurse all of the time, \$72. For the loss of both hands or both feet or both eyes, \$100. We have 12 Spanish War veterans who are drawing \$100. We have about 60 drawing the \$52, and I believe we have 13 who are drawing the \$72.

Now, in comparison with that, for the veteran of the late war unable continuously to follow some form of gainful employment, total and permanent disability, \$100 a month. If he has both hands off or both feet off, there is the grand disability we

refer to, and he receives \$100 a month and an additional sum for a nurse. If the measure now pending is signed by the President, the Fish bill, that will increase the rating for a veteran of the late war from \$100 to \$130 and \$150, at the discretion of the director of the United States Veterans' Bureau. There is \$120 and \$150, but here is a Spanish War veteran over here with \$30, \$52, or \$72, and for those comrades who most need it we are making this strenuous appeal because of the startling discrepancy between the compensation or pension paid those who have been the most seriously injured.

The CHAIRMAN. Are there any other questions to ask this witness; if not, Mr. Robinson, will you or the commander in chief of the organization suggest whether you have finished or have any other witness you would like heard?

Mr. SWEET. I would like to ask Mr. Robinson just a few questions as a matter of summing up. What do you estimate will be the cost of these provisions if they are placed in the bill; that is, the total cost of hospitalization and compensation.

Mr. ROBINSON. The compensation estimated cost is \$708,000, and making an allowance that it might go beyond that on the cost of medicine and food for the number who would receive treatment in hospitals or receive outpatient treatment that is carried on in our clinics in getting roasted out for rheumatism or arthritis or that sort of thing, I believe it is a reasonable estimate to say that it would be in the vicinity of \$1,000,000.

Mr. SWEET. And that would also include transportation?

Mr. ROBINSON. Yes, sir. We only have right now 37 Spanish War veterans with T. B. or N. P. in hospitals, but we would have a lot more if they had the transportation to get there.

Mr. SWEET. I think you said there were about 200 Civil War veterans of that class.

Mr. ROBINSON. Yes.

Mr. SWEET. How much would it cost to take care of them?

Mr. ROBINSON. That I could not say, because I can not tell the degree of disability that would require treatment or the percentage that would receive outpatient treatment.

Mr. SWEET. But would it not be a large amount?

Mr. ROBINSON. No; speaking in the figures of the bureau, with their present appropriation for the care of veterans of the late war and the maintenance of this enormous system of administering compensation and hospital care and giving general attention to the veterans, with our annual appropriation of \$520,000,000, assuming this might run to \$1,000,000 or assuming it runs to \$2,000,000, it is not a drop in the bucket compared with other contemplated legislation.

Mr. SWEET. And about how many of the Spanish War veterans do you say it would take care of?

Mr. ROBINSON. There are now 4,545 who, according to this table, would immediately be eligible to increase by being transferred to this bureau.

Mr. SWEET. And would that number increase as time goes on, perceptibly?

Mr. ROBINSON. No. It is so far away from the war.

Mr. SWEET (interposing). In my judgment, it would not, and that is the reason I asked the question.

Mr. ROBINSON. It would not because we would deal only with those disabilities which were proven to be strictly of service origin.

Mr. SWEET. I think that is all.

Mr. ROBINSON. May I in closing once more remind the chairman and the gentlemen of this committee of the very serious omission of section 4 in the Langley law passed last year. We have provided hospitalization for T. B. and N. P. cases arising out of the three wars.

Mr. MAPES. May I interrupt you there. What committee reported the Langley bill?

Mr. ROBINSON. The Committee on Public Buildings and Grounds. It was added to an appropriation bill.

Mr. MAPES. And the Pension Committee reported the Sells bill?

Mr. ROBINSON. Yes, sir.

Mr. MAPES. Before Mr. Sweet started asking you some questions the last time, it occurred to me that perhaps your remedy might be in getting an amendment to the Sells bill from the Pension Committee on this increased allowance you refer to.

Mr. ROBINSON. No, sir; for the reason that we want not only an amendment of a common standard but we want a common standard of hospital care, and the Pension Bureau could not give that to us. In order to come anywhere near getting a common standard—

Mr. MAPES (interposing). They could give you the provision as to a nurse for those who are suffering with a grand disability; is that what you call it?

Mr. ROBINSON. Yes.

Mr. MAPES. The Pension Committee could give you that.

Mr. ROBINSON. That bill as it now stands could be made just to our liking by striking out that one clause "of the late war." In California last November we voted a veterans' welfare act with a revolving fund giving credits to the veterans who were citizens of the State at the time of entering military service, in building homes and buying small farms, and we cut out of that law the phrase "of the late war," and the people of California thought enough of a square deal that they ratified an even break for all veterans, regardless of place of service or time of service by a majority of three to one. You could fix the Fish bill in the same way by just cutting out that clause "of the late war." A disabled veteran who needs a nurse needs a nurse, and the pay of nurses is just about the same the year around for all classes of veterans.

Gentlemen, there is one thing back of what we are doing to-day in seeking to enact this measure, and that is to establish a principle that shall be a precedent for future veteran legislation. The care of the disabled man is universal in its scope. It knows neither time nor place, and we are hoping, in making the fight for this bill, to establish a precedent that shall set the example for future legislation without discrimination; but in concluding, if there are no more questions, may I once more remind you of the immediate need of the veterans of previous wars and the Spanish War veterans in having immediate legislation which shall make adequate provision for the transportation of the veterans to hospitals, and if the veteran dies for adequate burial. To my mind that is a most unwarranted discrimination and needs no argument; it is obvious.

Mr. GRAHAM. Do we have jurisdiction of that matter? Suppose that that matter in itself were applicable to the soldiers of other wars, and suppose that the committee should determine and agree with you that an amendment of that act should be made. I may be at fault about this, but I am wondering whether that sort of an amendment is within the jurisdiction of this particular committee and whether it is not more properly within the jurisdiction of the Committee on Pensions. We can amend the Veterans' Bureau act generally, I imagine, and give all soldiers of all wars the benefit of it, but if we are to restrict ourselves to the matter you speak of, namely, transportation, I am inclined to think that that would more properly come within the jurisdiction of the Committee on Pensions and would be a matter we would have nothing to do with, inasmuch as our jurisdiction, as I understand it, extends only to the veterans of the last war.

Mr. HUDDLESTON. It would depend upon whether you wanted to put the matter under the jurisdiction of the Pension Office or the Veterans' Bureau. If it was put under the Veterans' Bureau, I take it we would have jurisdiction of it.

Mr. GRAHAM. That is, to give to the Veterans' Bureau the right to allow the transportation.

Mr. HUDDLESTON. Yes.

Mr. GRAHAM. Then one part of the administration of the Spanish War veterans' claims would be in the Pension Office and the other part would be in the Veterans' Bureau.

Mr. HUDDLESTON. Yes; just as it is now, in that Spanish War soldiers are admissible to hospitals and the expense of their treatment there is a matter for the Veterans' Bureau.

Mr. GRAHAM. So that at present there is a double jurisdiction.

Mr. HUDDLESTON. Yes.

Mr. GRAHAM. Well, that may be.

Mr. HUDDLESTON. And we have, in a previous bill, legislated with reference to pensions of Spanish War widows.

Mr. GRAHAM. In connection with the Veterans' Bureau?

Mr. HUDDLESTON. Section 212 of the war risk act, I think it is.

Mr. ROBINSON. Yes, sir.

In conclusion I merely want to once more, Mr. Chairman, stress the need of this transportation and subsistence and provision for nurse or attendant in taking these men to and from. We feel that the committee are unanimously with us in the spirit of our requests as embodied in this bill. We know that the American people believe in only one thing, and that is a square deal for everybody, and we feel that we are simply embodying that principle in the requests that we have made here. We know the members of this committee and the Members of Congress are with us in what we ask for and it merely remains as to the most expeditious manner in which this principle may be applied to existing conditions.

Mr. GRAHAM. Have you prepared an amendment covering this transportation proposition?

Mr. ROBINSON. No, sir; it would be embodied in this bill, 13298, but that is not specifically prepared.

The CHAIRMAN. It simply means the adoption of provisions in the bill along the lines you have suggested.

Mr. ROBINSON. Yes, sir. Mr. Chairman, may I thank you—

Mr. JOHNSON. I want to ask the gentleman a question. Your committee wants action from this session of Congress, does it not?

Mr. ROBINSON. Yes, sir.

Mr. JOHNSON. That is the main reason for your coming here at this time. You want action now, and you do not want it delayed until the next session.

Mr. ROBINSON. These gentlemen here have come from all over the United States to be present at this time and to help carry this thing along, once it has passed the committee.

Mr. JOHNSON. I think the committee is ready to act.

The CHAIRMAN. Has the commander in chief of the organization any other witnesses to suggest?

Mr. ENTENZA. I would like to say, Mr. Chairman, that I have heard several of the witnesses asked for certain estimates. If you would like to have some very accurate estimates on the expense of these bills, we have a man here who has those estimates, and if you would like to have them put into the record without questioning, that is satisfactory to us, because we feel that we have presented our case.

The CHAIRMAN. Does the committee desire any more specific figures on the items entering into this matter?

Mr. GRAHAM. If they have them and have them in writing, I ask that they may be incorporated in the record.

Mr. ENTENZA. We will furnish them to the committee later in writing.

Mr. LEA. With these statistics I wish you would place in the record a statement of the total number of men in the Spanish-American War and the Boxer rebellion and the Philippine insurrection.

Mr. ENTENZA. We have that and will submit it.

The CHAIRMAN. Have you any other witnesses?

Mr. ENTENZA. That is all unless the committee has something further.

Mr. HUDDLESTON. Mr. Chairman, Mr. Entenza yesterday had a short table which was very interesting to me.

Mr. ENTENZA. I will submit that.

Mr. HUDDLESTON. It is a very short table and I think should be put in the record.

The CHAIRMAN. Without objection, it will be so ordered.

Mr. GRAHAM. Before we conclude the hearing, I want to ask somebody a question, and I suppose the commander in chief can answer it. If this amendment were incorporated in this bill, would it have the effect of the transfer of the aged veterans of the Civil War from the soldiers' homes, where many of them are now living, to Government hospitals or to Public Health Hospitals?

Mr. ROBINSON. No, sir; not necessarily; because we have our infirmaries right there in the homes.

Mr. GRAHAM. Could that be done?

Mr. ROBINSON. Yes, sir; if occasion demanded it.

Mr. GRAHAM. Well, almost all of these inmates of soldiers' homes are very old, quite old and infirm, and if this provision is incorporated in this bill can they be taken out and given the benefit of the Public Health hospitals?

Mr. ROBINSON. Yes, sir; if this amendment is passed as presented.

The CHAIRMAN. If there are no other witnesses, Mr. Entenza—

Mr. ENTENZA. That is all.

Mr. W. W. HARRIS. Mr. Chairman, there was a question asked awhile ago as to whether or not the Spanish War veterans would change their mind or attitude at some future date. Whether we reserve that right depends entirely upon different conditions. The cost of living to the veterans of any previous war is just the same as the cost to the veterans of the late war.

The CHAIRMAN. Has the Veterans' Bureau any statement to make as to the matters raised by this proposition?

STATEMENT OF MR. HAROLD W. BREINING, ASSISTANT DIRECTOR, FINANCE DIVISION, UNITED STATES VETERANS' BUREAU.

Mr. BREINING. I would like to make it clear to the committee that Mr. Robinson in no way, in any official capacity, represents the Veterans' Bureau before this committee.

The CHAIRMAN. He made that clear himself.

Mr. BREINING. Yes, sir.

The CHAIRMAN. He said he was on leave of absence and was taking advantage of that opportunity to represent the Spanish-American War veterans.

Mr. MAPES. I would like to ask Mr. Robinson one more question. Has the Grand Army of the Republic taken any action on this matter?

Mr. ROBINSON. Yes, sir; it was indorsed at its last national encampment in Iowa.

Mr. MAPES. They have not appeared before the committee.

Mr. ROBINSON. No, sir.

Mr. HUDDLESTON. Have you a copy of their resolution indorsing it?

Mr. ROBINSON. I have not, but I think we can get that.

Mr. ENTENZA. We have one of the committeemen here who was at their national encampment from our organization—Mr. Hall of Iowa.

Mr. HUDDLESTON. I would like for you to put a copy of that resolution in the record.

Mr. HALL. I have not and I was not at the national encampment, because I was in the hospital at the time, but I was on that committee and I will get that for you.

Mr. GRAHAM. Mr. Chairman, may I ask the representatives of the United States Veterans' Bureau a question? You have heard the statement of Mr. Robinson. Do you agree with the estimates as made, in a general way, that it will not cost to exceed \$1,000,000 to make this change.

Mr. BREINING. I could not off-handedly answer that. I would want to go into the statistics and have it thoroughly studied before making a reply.

Mr. GRAHAM. How long would that take?

Mr. BREINING. I imagine it would take four or five days, as a minimum.

Mr. GRAHAM. Could you do that in four or five days?

Mr. BREINING. I would hesitate to say yes on that. We would try to do that, but we would have to gather statistics which we have not available or readily available in the Veterans' Bureau.

Mr. GRAHAM. You could get them from the Pension Bureau or elsewhere?

Mr. BREINING. Yes, sir. Whether they have them available right away or not, I could not say.

The CHAIRMAN. Mr. Breining, would you take any exception to the statement of Mr. Robinson to the effect it would be only at a minimum of cost that these men could be hospitalized?

Mr. BREINING. The bill that is presented is so far-reaching in its effects as to administration and would have to be so closely studied that I would hesitate to give an offhand reply. Whether I subscribe to his statements or not is something that would have to be gone into thoroughly and studied. This is practically a new proposition to the Veterans' Bureau.

The CHAIRMAN. Wherein do you feel that the problem, so far as hospitalization is concerned, would involve any charges other than the mere care and housing of the patients?

Mr. BREINING. It would not seem to incur any additional expenditures other than the care of patients and additional nurses, doctors and overhead expenses.

The CHAIRMAN. If the representation of the bureau previously made in the early part of this hearing to the effect that the peak has been reached, and the run was downward, is correct, it would seem as if all the fixed charges of the business would have to be met anyway and it would be a matter of filling up the beds and feeding the patients and caring for them.

Mr. BREINING. Not necessarily. If the peak is at its height now and it will go downward in the future, we would release personnel with the number of patients that would be discharged.

The CHAIRMAN. That is a matter of care, and you have your buildings, you have your equipment, you have your cooks and your engineers and all the men who are permanently running the hospitals, with everything ready, and what more could it mean than the personal care of these men in keeping them and treating them.

Mr. BREINING. That is all that would be involved.

The CHAIRMAN. Would you not regard that as a minimum of cost?

Mr. BREINING. That would be at the minimum of cost, but you must understand that a great many of our patients are in contract hospitals and a great many of them are in temporary structures.

The CHAIRMAN. But are you not giving it out to the public that you are going to get rid of all the contract hospitals?

Mr. BREINING. I would not say that we are going to get rid of them; no, sir.

The CHAIRMAN. Has not that been announced by the bureau as their policy?

Mr. BREINING. No, sir; I do not think so. I have Doctor Rogers here, the head of the medical division, and if you would like more expert testimony, I am sure he would give it to you.

The CHAIRMAN. Even in a contract hospital, this would only be a per capita addition, would it not?

Mr. BREINING. That would be a per capita addition.

The CHAIRMAN. And that is the minimum of cost.

Mr. BREINING. Yes, sir.

Mr. JOHNSON. Mr. Breining, why should this committee quibble over the cost of taking care of these Spanish-American War veterans when the House yesterday voted to give Great Britain between two and three billion dollars?

Mr. BREINING. That is a question I could not answer. The committee would have to answer for itself on that.

Mr. MAPES. You would not subscribe to the last part of the question, would you?

Mr. JOHNSON. I do say that, and I say it as a positive fact, that the House yesterday gave to Great Britain between two and three billion dollars when they reduced her rate of interest from 5 per cent to 3 per cent and 3½ per cent, and extended the time of payment to 62 years. Great Britain's word is her bond, and she has never repudiated a nickel of debt since its Government was established and would not have repudiated this debt.

The CHAIRMAN. The Chair would regard this as irrelevant.

Mr. JOHNSON. I do not think we ought to quibble over paying these Spanish-American War veterans.

Mr. HUBLESTON. Mr. Chairman, I have here a letter from Mr. Patterson, of the Veterans' Bureau, that appears to be an official letter addressed to Mr. Mattocks, of the National Tribune, in which he gives a comparison between the ratings of the Pension Office and the Veterans' Bureau and throws a good deal of light upon the expense that would be involved in this matter. Do you not think that ought to go in the hearings?

Mr. SWEET. I would like to have that in the record, Mr. Chairman.

The CHAIRMAN. Without objection it will be inserted.

(The statements referred to follow.)

UNITED STATES VETERANS' BUREAU,
Washington, December 14, 1922.

Mr. WILLIAM L. MATTOCKS,

The National Tribune, Washington, D. C.

DEAR SIR: As requested by you, there has been prepared the inclosed "Comparison of rates fixed by the Commissioner of Pensions for certain disabilities (412, Table II and III, Regulations, Pension Bureau), with compensation awards for like disabilities payable under the schedule of ratings, United States Veterans' Bureau."

I hope that this will serve your purpose. The inclosures also include two photographs of Pension Bureau Regulations and one copy each of S. 4142 and H. R. 13298, which you left at the Bureau.

Yours very truly,

ROBT. U. PATTERSON, Assistant Director.

Comparison of rates fixed by the Commissioner of Pensions for certain disabilities (412, Table II and III, Regulations, Pension Bureau), with compensation awards for like disabilities payable under the schedule of ratings, United States Veterans' Bureau.

[NOTE.—See text of "The war risk insurance act with amendments prior to September 1, 1921" (p. 22), for general statement of reasons for total temporary, total permanent, and double total permanent disability; also added amounts paid dependents.]

	Pension Bureau.	Veterans' Bureau.
EYE AND EAR RATINGS.		
Loss of sight of 1 eye.....	\$12	\$30
Loss of 1 eye (enucleation).....	17	40
Loss of sight of both eyes.....	100	100
Loss of sight of 1 eye, the sight of other having been lost before enlistment.....	72	100
Nearly total deafness in 1 ear.....	6	12
Total deafness in 1 ear (no bone conduction).....	10	15
Slight deafness of both ears (80% & 90%).....	6	47-12
Severe deafness 1 ear and slight of other.....	10	8
Nearly total deafness 1 ear and sight of other.....	15	10
Total deafness 1 ear and slight of other.....	20	18
Severe deafness both ears.....	22	30
Total deafness 1 ear and severe of other.....	25	40
Deafness of both ears, nearly total.....	27	45
Total deafness.....	40	65
FRACTURES AND AMPUTATIONS.		
Ankylosis of shoulder.....	12	36
Ankylosis of elbow.....	10	30
Ankylosis of knee.....	10	35

Comparison of rates fixed by the Commissioner of Pensions for certain disabilities (412, Table II and III, Regulations, Pension Bureau), with compensation awards for like disabilities payable under the schedule of ratings, United States Veterans' Bureau—Con.

	Pension Bureau.	Veterans' Bureau.
FRACTURES AND AMPUTATIONS—continued.		
Ankylosis of ankle.....	38	\$18
Ankylosis of wrist, middle.....	8 ¹	23
Ankylosis of wrist, minor.....	(1)	19
Loss of palm of hand and all the fingers, the thumb remaining.....	(1)	(1)
Loss of thumb, index, middle, and ring fingers.....	(1)	(1)
Loss of thumb and index finger.....	(1)	(1)
Loss of thumb, index, and middle fingers.....	12	35
Loss of thumb, index, and little fingers.....	16	60
Loss of thumb and little finger.....	(1)	(1)
Loss of thumb.....	(1)	(1)
Loss of thumb.....	(1)	(1)
Loss of thumb.....	(1)	(1)
Loss of thumb and metacarpal bone.....	(1)	(1)
Loss of all the fingers, thumb, and palm remaining.....	16	10
Loss of index, middle, and ring fingers.....	(1)	(1)
Loss of middle, ring, and little fingers.....	(1)	(1)
Loss of index and middle fingers.....	8	25
Loss of little and middle fingers.....	(1)	(1)
Loss of little and ring finger.....	(1)	(1)
Loss of ring and middle fingers.....	(1)	(1)
Loss of index finger.....	4	20
Loss of any other finger without complication, varies with finger amputated.....	10	20
Loss of all the toes of 1 foot.....	8	(1)
Loss of great, second, and third toes.....	(1)	(1)
Loss of great toe and metatarsal.....	(1)	(1)
Loss of great toe and second toe.....	(1)	(1)
Loss of great toe.....	6	10
Loss of any other toe.....	(1)	(1)
Loss of any other toe.....	(1)	(1)
Chopart's amputation of foot, with good results.....	14	30
Pirogoff's modification of Syme's.....	17	30
Loss of both hands.....	100	100
Loss of both feet.....	100	100
Loss of 1 hand and 1 foot.....	60	100
Loss of hand, major.....	40	70
Loss of hand, minor.....	40	58
Loss of foot.....	40	30
Loss of leg.....	55	44-49
Loss of arm at or above elbow, major.....	40	84-94
Loss of arm at or above elbow, minor.....	46	75-85
Loss of leg at or above the knee, thigh.....	46	88-90
Loss of arm at shoulder joint, or so near as to prevent use of artificial limb, major.....	55	94
Loss of arm at shoulder joint, or so near as to prevent use of artificial limb, minor.....	55	85
Loss of leg at hip joint, or so near as to prevent use of artificial limb.....	55	80
Loss of leg at hip joint.....	55	80
Loss of arm at shoulder joint, minor.....	55	94
Loss of arm at shoulder joint, minor.....	55	85
Total disability in both hands.....	(1)	(1)
Total disability in arm or leg.....	(1)	(1)
Total disability in 1 hand and 1 foot.....	(1)	(1)
Total disability in 1 hand or 1 foot.....	(1)	(1)
Disability equivalent to the loss of hand or foot (third grade).....	(1)	(1)
Incapacity to perform manual labor (second grade).....	(1)	(1)
Regular aid and attendance (first grade).....	(1)	(1)
Frequent and periodical, not constant, aid and attendance (intermediate grade).....	(1)	(1)
Small varicose.....	2	(1)
Well-marked varicose.....	4	10
Inguinal hernia, which passes through the external ring.....	10	10
Inguinal hernia, which does not pass through the external ring.....	6	(1)
Double inguinal hernia, each of which passes through the external ring.....	14	20
Double inguinal hernia, one of which passes through the external ring and other does not.....	12	15

¹ No comparable rating.

² Less than 10 per cent.

EXHIBIT 18.—Statement showing, by classes, the different monthly rates paid to pensioners, war with Spain, under the general pension laws, and the number at each rate on the roll June 30, 1922.

[Extract from Report of Commissioner of Pensions, June 30, 1922.]

Rate.	Soldiers.	Rate.	Soldiers.
\$6.	5,399	\$22.50	3
\$6.15.	3	\$24.	501
\$7.50.	15	\$25.	28
\$8.	2,708	\$27.	18
\$8.50.	16	\$27.50	1
\$10.	1,386	\$29.	390
\$11.25.	17	\$30.	2
\$12.	1,484	\$35.	1
\$12.50.	4	\$37.18.	36
\$12.75.	30	\$40.	19
\$14.	529	\$45.	10
\$15.	62	\$50.	37
\$16.	19	\$55.	52
\$16.50.	1	\$60.	63
\$17.	1,024	\$65.	2
\$18.	1	\$72.	11
\$18.75.	2	\$80.	2
\$20.	97	\$100.	1
\$21.25.	3		
\$22.	60	Total.	13,362

EXHIBIT 11.—Statement showing, by classes, the different monthly rates paid to pensioners, war with Spain, under the general pension laws, and the number at each rate on the roll June 30, 1920.

[Extract from Report of Commissioner of Pensions, June 30, 1920, pp. 22 and 23.]

Rate.	Invalids.	Rate.	Invalids.
\$2.	8,718	\$22.50	4
\$5.	5	\$25.	582
\$7.50.	27	\$25.	23
\$8.	3,890	\$27.	19
\$8.50.	32	\$27.50	1
\$10.	2,303	\$29.	1
\$11.25.	24	\$29.18.	333
\$12.	2,215	\$30.	1
\$12.50.	10	\$35.	1
\$12.75.	35	\$35.	1
\$14.	884	\$37.50.	88
\$15.	17	\$40.	33
\$16.	27	\$45.	1
\$16.50.	1	\$50.	80
\$17.	1,559	\$55.	28
\$18.	1	\$60.	45
\$18.75.	2	\$65.	11
\$20.	104	\$72.	1
\$21.25.	5	\$80.	1
\$22.	62	Total.	21,547

CONCLUSIONS.

A study of the above tables discloses the following facts: According to the report of the Commissioner of Pensions, June 30, 1920, pages 22 and 23, there were at that time on the roll under the general pension laws (which required proof of service origin of disability) 21,547 veterans of the war with Spain. According to the report of the Commissioner of Pensions, June 30, 1922, pages 18 and 19, there still remained on the roll of the general pension laws 13,362 veterans. Of this number, 8,819 were receiving less than \$12 per month.

The Sells bill, passed June 5, 1920, allows \$12 per month for disabilities of 10 per cent whether such disabilities are of service origin or not. It is, therefore, evident that this group of 8,819 veterans were unable to show 10 per cent disabilities which would have enabled them to come under the benefits of the increased ratings of the Sells bill. Subtracting from the total number of veterans on the roll, 13,362, the group with less than 10 per cent disabilities, 8,819, leaves on the general pension roll (service disability

established) 4,543 veterans with disabilities of 10 per cent or over which are compensable under the United States Veterans' Bureau.

A comparison of the ratings of the Pension Bureau and the United States Veterans' Bureau in the 55 cases which can be compared as above shows an average increase of \$12.95 of the United States Veterans' Bureau over the Pension Bureau.

To place these veterans on the increased ratings of the Veterans' Bureau would mean an annual increase of \$708,708. Widows of Spanish war veterans, whose death has been proven to be due to disabilities incurred in service, are already drawing \$25 per month, which is the same amount allowed for widows of the veterans of the late war.

MEETING OF NATIONAL LEGISLATIVE COMMITTEE UNITED SPANISH WAR VETERANS.

WASHINGTON, D. C., February 11, 1923.

Antonio P. Entenza, commander in chief, United Spanish War Veterans.

MEMBERS OF NATIONAL LEGISLATIVE COMMITTEE.

Present: John Lewis Smith, chairman, department of District of Columbia; William L. Matlocks, secretary, department of District of Columbia; Albert John Alcorn, department of Ohio; Harry S. Armstrong, Louisiana; William Basely, department of Connecticut; Henry W. Busch, department of Michigan; George E. Downey, department of Pennsylvania; Charles Heineman, department of Virginia; William W. Herring, department of Texas; William Hogan, department of Massachusetts; Oscar E. Kilstrom, department of Michigan; William M. Loudon, department of Indiana; Otis W. Meier, department of Nebraska; Charles N. Newton, department of Connecticut; P. Samuel Rigney, department of New York; Dwight H. Robinson, department of California; Edward H. White, department of Illinois; George B. Hall, department of Iowa, and Joseph Scott, of Massachusetts.

Absent: Fred Arnold, department of Wisconsin; J. H. Bessinger, department of New Jersey; Thomas Crago, department of Pennsylvania; Oscar E. Carlstrom, department of Illinois; Charles E. Dole, department of Washington; J. Cooper Gibbs, department of Florida; C. W. Herrick, department of New York; William Jones, department of New York; Chas. A. Simmons, department of New York; Robert Wankowski, department of California; and Thomas Gannon, department of New York.

VISITORS.

Bruce J. Newton, department commander, department of Nebraska; J. S. Gray, Johnson City, Tenn., representative of comrades of Tennessee; Anna K. Juneau, Milwaukee, Wis., past president general auxiliary, U. S. W. V., chairman national legislative committee, auxiliary; Minnie R. Lenhart, Philadelphia, Pa., past president general and representative of president general, ladies' auxiliary, U. S. W. V.; G. E. Rausch, judge advocate general, U. S. W. V., department of District of Columbia; Daniel V. Chisholm, past commander in chief, U. S. W. V., department of District of Columbia; Harry F. Patterson, department commander of the district of Columbia; Arthur H. League, senior vice commander, department of District of Columbia; and John Murphy, District of Columbia department.

PROCEEDINGS.

The meeting was called to order by John Lewis Smith, chairman of the national legislative committee, U. S. W. V.

Commander in Chief Entenza, of San Francisco, Calif., was called upon and addressed the meeting.

Mr. Entenza welcomed the committee, and laid before them his idea of "equal compensation," setting forth the comparison between the treatment given World War veterans suffering from tuberculosis and those suffering from same disease from the Spanish-American War. Injustices done Spanish War veterans in the homestead laws, which only provide for grants to World War veterans, were also brought forth as examples for the necessity of this legislation. Mr. Entenza also stated that bills were concurrently introduced in both House and Senate, containing the provisions for "equal compensation for veterans of all wars," and that hearings were had Friday morning and Saturday morning and afternoon. In regard to the hearings had before the House Committee on Foreign and Domestic Commerce, Mr. Entenza reported briefly as follows:

Mr. Robinson and himself were suddenly called to a meeting of the House committee Saturday afternoon, which meeting was attended also by members of the committee,

representatives of the Veterans' Bureau and Pension Bureau. There was apparent a fear of each bureau as to its future continuance, and the Pension Bureau's attitude seemed to have been more friendly than that expressed and manifested by the representatives for the Veterans' Bureau. Reference was particularly made to the statement of one Brining (?), of the Veterans' Bureau, regarding the fact that he did not regard the Boxer rebellion and the Philippine insurrection as a "war." It was Mr. Entenza's belief that Mr. Robinson made an exceptional presentation of the matter for the U. S. W. V., and that notwithstanding the objections and antagonistic attitude of the representatives of the Veterans' Bureau, he felt that the committee was favorable to the proposition. Both the representatives of the Veterans' Bureau and the Pension Bureau were urged to draw up bills, so as to fit the Spanish War veterans and their needs. This House committee will again meet next Tuesday, at which time the newly-drawn up bills and statistics from both bureaus will be submitted.

Mr. Entenza stated that the efforts at this time exerted by the organization would have a great influence upon future legislation as well as to aid the national growth of the U. S. W. V.

Mr. Entenza further stated that in the United States Veterans' Bureau, the Spanish War veteran was not regarded generally as an ex-serviceman. It was his intention to appoint a committee in the course of the meeting, to bring to the attention of the Acting Director of the Veterans' Bureau the actions and attitude of the representatives of the bureau before the committee of Congress, and also the treatment of Spanish War veteran employees.

Chairman John Lewis Smith thereupon proceeded to call upon the various members of the legislative committee present, who made the following statements:

Dwight H. Robinson, of California, personal representative of the commander in chief, U. S. W. V., stated that he had been in Washington for about seven weeks working exclusively upon the measure to equalize compensation for veterans of all wars. He had succeeded, in conjunction with Chairman Smith and Mr. Matlocks, in bringing to the attention of the various Representatives in Congress the injustice done the Spanish War veteran.

Mr. Robinson approximated that \$2,000,000,000 was needed to put all the veterans upon an equal basis. He stated that this measure was solely for the veterans disabled in line of duty, and would give to them the same benefits as that enjoyed by the World War veterans from the Veterans' Bureau, with the exception of vocational training and insurance. He stated that he had data reported by the Veterans' Bureau, which clearly set forth the facts as stated by Doctor Patterson, the representative of the Veterans' Bureau, before the House committee. It was Mr. Robinson's opinion that the House committee was in favor of the measure and would favorably report the same to the House.

Charles N. Newton, of Connecticut, past commander in chief, U. S. W. V., and at present a member of the committee, Mr. Newton reported that Circular No. 1, distributed by the commander in chief, had been received most enthusiastically by the members of the department of Connecticut, and had a great result in bringing new members into the several camps. He stated that the department of Connecticut is wholeheartedly back of the national legislative committee.

Henry W. Busch, of Michigan, past commander in chief and a member of the national legislative committee, stated that the department of Michigan is entirely behind the measure and will give the commander in chief and the legislative committee its earnest and vigorous support. It is also sure of the support of the Michigan delegation in the House and Senate to any measure fostered by the Spanish War veterans.

Edward H. White, of Chicago, Ill., past judge advocate general, and a member of the national legislative committee, suggested that the proceedings before the committee in Congress as well as those of this committee be printed and distributed among the membership. It was his opinion that too little of the literature and other matters dealing with the national organization get to the rank and file of the membership. He protested and censured the representative of the War Risk Bureau in belittling the Chinese Boxer Rebellion and Philippine Insurrection. It was Mr. White's opinion that the time had arrived when the organization must stand up and let the world know that United Spanish War Veterans exists as a forceful national organization. The support of the department of Illinois to the measure was heartily pledged.

Mrs. Anna K. Juneau, of Milwaukee, Wis., chairman of the national legislative committee of the auxiliary to the United Spanish War Veterans, stated that she felt that her organization could be of great service in this legislative program, and was very anxious to assist in every way possible, and wished to be informed as to the

future activity of the committee. She reported the wonderful response to the appeal distributed by the commander in chief.

William L. Matlocks, of the District of Columbia, secretary of the national legislative committee, after stating the need of the measure, stated that approximately 4,500 veterans of the Spanish War would benefit by the amendment proposed to the Sweet bill, now advocated by the United Spanish War Veterans. He stated he was anxious to know the sentiment of the comrades as to the action of the committee in the postponement of its activity on the Chandler bill, which nevertheless the committee and the organization advocated. Mr. Matlocks pointed out incidents wherein individuals as well as several camps had interfered with the work of the legislative committee, and asked for coordination between the members of the organization and the legislative committee.

William W. Herring, of Texas, member of the legislative committee, told of his observations at House committee meeting on Saturday, and of the activity of the department of Texas in support of the circular distributed by the commander in chief. He assured the committee of the support of the Texas delegation in Congress.

P. Samuel Riney, of New York, member of the committee, spoke of the effect of the Circular No. 1 upon the various camps of New York. He reported that every camp in New York City had complied with appeal of the commander in chief. He expressed his opinion as being that he did not believe the bill would pass during this short session, however, if it did not become a law now. The concerted effort of the organization displayed at this time would prove of extreme benefit to the organization in the future. The proposition is receiving the wholehearted support of everyone to whose attention it was brought.

Judge Albert Alcorne, of Ohio, member of the committee, stated that nothing has so thrilled the veterans of the Department of Ohio as has the Circular No. 1, distributed by the commander in chief. Department of Ohio is wholeheartedly behind the legislative program.

Charles Heineman, of Virginia, member of the committee, stated that the Department of Virginia received Circular No. 1 with the greatest of enthusiasm. Made mention of the criticism by the department commander of Virginia of the work of the legislative committee. However, the Department of Virginia is wholeheartedly in favor of every action of the legislative committee and the commander in chief.

Oscar E. Kilstrom, of Michigan, member of the committee, stated that he could assure the support of every member of the Department of Michigan as well as the Michigan delegation in Congress. The Circular No. 1 was received with great enthusiasm in Michigan.

William Hogan, of Massachusetts, member of committee, reported that in Massachusetts the U. S. W. V. worked jointly with all veteran organizations, including the American Legion, D. A. V. W. W., and V. F. W., and would receive the support of these organizations; is in favor of cooperation with the American Legion in both their work and ours.

Mr. Hogan stated that there is a fear in Massachusetts that something will happen to the pensions now received by the veterans if the last-mentioned "equal compensation" program is carried. He has, however, assured both the department commander and comrades of the department of the wisdom of supporting the national legislative committee's work. He is in favor of reprimanding and censuring those who slander the U. S. W. V.

Mr. Hogan submitted to the commander in chief the suggestion that a committee be appointed to visit the Pension Bureau to find out how the business was carried on and the cause of the unnecessary delay so that the same may be reported to the individual camps.

Commander Joseph Scott, department of Massachusetts, stated that at the outset there was opposition against the circular. However, by advice of department officers this was soon dispelled. When the telegram as to Congressman Winslow was received, he stated, the telephone and long-distance wires got busy and Mr. Winslow has now changed his opinion. Reports that the American Legion in Massachusetts has nothing but warm feelings toward the U. S. W. V., and that there is hardly a function given by the American Legion throughout the State that a representative of the U. S. W. V. is not invited.

Mr. Scott cited several incidents in Massachusetts wherein the Pension Bureau had failed to properly function and had done injustice. He is also in favor of the committee to be appointed to investigate the Pension Bureau.

George B. Hall, department of Iowa, member of committee, endorsed the attitude of the gentlemen of Massachusetts toward the Pension Bureau. He stated that in all veteran legislation proposed in the Iowa Legislature provisions are made for all vet-

eran organizations and veterans of all wars upon equal basis. He pledged the support of the Iowa delegation in the House and Senate toward the measure.

Otto W. Meier, Nebraska, member of committee, indorsed the work of the commander in chief and the national legislative committee, and pledged the support of the members of the department of Nebraska. Mr. Meier stated that Circular No. 1 was received with great enthusiasm throughout the department. He stated that in Nebraska there does not appear to be any cooperation given by other veteran organizations to the work of the U. S. W. V.; also indorses suggestion as to the delays and investigation of Pension Bureau.

The department commander of Nebraska briefly stated the hardships and tribulations endured by the veterans of the Philippine insurrection and censured the belittling of the U. S. W. V. and campaigns.

William Basely, of Connecticut, member of committee, reported that the circular distributed by Commander in Chief Entenza created a great amount of enthusiasm throughout the State of Connecticut. Pledges the support of the department of Connecticut as well as delegation in Congress.

William M. Loudon, of Indiana, member of committee, reported that the circular of the commander in chief had worked a great benefit to the department of Indiana, and that both the delegations in Congress and the comrades of the department were soundly behind the national legislative committee.

Commander Sweik, department of Indiana, indorsed the action of the commander in chief and that of the national legislative committee.

George E. Downey, department commander of Pennsylvania, member of committee, reported that the circular distributed by the commander in chief had been enthusiastically received by his department and that contributions were heartily made. He also stated that the circular had stirred the greatest amount of activity ever seen by the department of Pennsylvania in legislative matters, reported that the Pennsylvania delegation in Congress were behind program.

Comrade J. S. Gray, of Johnson City, Tenn., stated that he had been sent to represent the comrades of Tennessee at this particular meeting, and that he spoke especially for the comrades of the National Soldiers' Home of Tennessee. He spoke of the injustices done the Spanish War veterans, and stated that he would report to his comrades the proceedings of the committee.

Mrs. Minnie R. Lenhart, past president general of the Ladies' Auxiliary of the U. S. W. V., stated the inability of the president general of her organization to be present, and that she had been sent as her representative. The support of the auxiliary was pledged to any legislative work the U. S. W. V. would foster.

G. E. Rausch, judge advocate general, U. S. W. V., welcomed the committee to Washington, and asked their support in favor of the measure as advocated.

Dwight H. Robinson was called upon to explain more fully the benefits of the amendment to the Sweet bill, which would give to the Spanish War veterans equal compensation with that of the World War veterans. Mr. Robinson stated that the matter was solely an elective one with the comrade. He stated that the comrade in order to come under the provisions of the Veterans' Bureau must have incurred his disability while in the service. He stated that the proposed measure does not in anywise interfere with the present status of pensioners. Several questions were asked and answered by Mr. Robinson.

Edward H. White, of Chicago, Ill., made the following motion, which was seconded and unanimously carried:

"That it be now the expressed consensus of opinion of the legislative committee, herein and now assembled, that the commander in chief be, and he hereby is, authorized, empowered, and directed to have printed the entire official report, or such parts thereof, together with such amendments and data of all proceedings of the hearings of the committee before the House committee, together with the names of the legislative committee present and absent be indicated, and that not less than 5,000 copies of said official report be printed and distributed to the organization, in the discretion of the commander in chief."

Comrade Dalkins of New York City, representative of Hubbel Camp, department of New York, tendered a check from his camp for its full quota, and indorsed the actions of the committee.

Harry F. Patterson, commander of the department of the District of Columbia, U. S. W. V., welcomed the committee to Washington, and tendered an invitation to the members to attend a reception given the commander in chief Wednesday night, February 14.

Commander in Chief A. P. Entenza made the concluding remarks. Mr. Entenza heartily thanked the comrades and members of the committee for their expressions of cooperation and support.

The following were appointed as a committee to visit the Acting Director of the United States Veterans' Bureau: Joseph F. Scott, department of Massachusetts; Henry W. Burch, department of Michigan; Oscar E. Kilstrom, department of Michigan; Dwight H. Robinson, department of California; A. P. Entenza, department of California, and commander in chief.

The following were appointed as a committee to visit the Pension Bureau and make investigation thereof: William Hogan, department of Massachusetts; Otto W. Meier, department of Nebraska; Judge Albert Alcorn, department of Ohio; Edward H. White, department of Illinois.

Mr. Entenza extended an invitation to the members of the committee to be present at a dinner given by him Tuesday night February 13.

The commander in chief requested every member of the committee to see and ask the support of their delegation in Congress.

There being no further business, Chairman John Lewis Smith declared the meeting adjourned.

Mr. NEWTON. Mr. Chairman, has this proposed legislation ever been submitted to the Pension Bureau for its comment at all?

The CHAIRMAN. Not so far as the chairman knows, nor does he know to the contrary.

Mr. NEWTON. Do you know about that, Mr. Robinson?

Mr. ROBINSON. Mr. Chairman, I went with Mr. Mattocks to the Pension Bureau first of all and got their ratings to form the basis upon which to make this comparison and estimate, and then took the ratings and went to the United States Veterans' Bureau where we took the matter up with the head of the medical department, and after waiting a week this statement was prepared under the order of Colonel Patterson, chief of the medical section. So this was all prepared by the United States Veterans' Bureau in comparison with the Pension Bureau.

The CHAIRMAN. If there are no further questions, gentlemen, we are obliged to you and will now go into executive session.

(The committee thereupon considered matters in executive session, after which it adjourned.)

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

HOUSE OF REPRESENTATIVES,

Tuesday, February 13, 1923.

The committee this day met, Hon. Samuel E. Winslow (chairman) presiding.

The CHAIRMAN. We will now turn, if you please, to the Veterans' Bureau bill, so-called, and in compliance with the request of the committee, the chairman has been able, fortunately, to arrange to have gentlemen present who are experts in nervous matters as well as diseases, and they represent the Veterans' Bureau, the Public Health Service, and that particular department of St. Elizabeths Hospital. Have you any choice as to which one should appear first? As we have already had a statement from the Veterans' Bureau, which it is fair to assume the expert here would be likely to agree with, in the main, it might be well to ask some one, say, from the Public Health Service, to act as the first witness.

STATEMENT OF DR. LAWRENCE C. KOLB, SURGEON, UNITED STATES PUBLIC HEALTH SERVICE.

The CHAIRMAN. Doctor, the point of inquiry, as the chairman represented to somebody at your headquarters, is to learn on what you call N. P. propositions unless other questions are asked, and we will be glad to have you make any statement that you choose in respect of the features that appear in the bill which, I assume, you have gone over hurriedly; or if you prefer to have the committee drive their questions at you right away at the outset, we can follow that plan.

Doctor KOLB. Well, I am willing to be questioned at the outset.

The CHAIRMAN. That will probably be the easiest way for us to get at it, and, Mr. Denison, perhaps you had better be the first one to question the witness.

Mr. DENISON. Doctor, I did not understand what your position is.

Doctor KOLB. Surgeon, United States Public Health Service. I had charge of one of the Veterans' Bureau hospitals for neuropsychiatric diseases for nearly four years and was just recently relieved from that position.

Mr. DENISON. Do you happen to be familiar with the provisions of the law in regard to war risk insurance and compensation matters?

Doctor KOLB. In a general way.

Mr. DENISON. Section 300 provides, among other things, for a presumption of service origin in certain cases. I will read that part of the law:

"That for the purposes of this section every such officer, enlisted man or other member employed in the active service under the War Department or Navy Department who was discharged or who resigned prior to the date of approval of this amendatory act, and every such officer, enlisted man, or other member employed in the active service under the War Department or Navy Department on or before November 11, 1918, who hereafter is discharged or resigns shall be held and taken to have been in sound condition when examined, accepted, and enrolled for service, except as to defects, disorders, or infirmities, made of record in any manner by proper authorities of the United States at the time of, or prior to, inception of active service, to the extent to which any such defect, disorder or infirmity was so made of record: *Provided, further*, That an ex-service man who is shown to have an active pulmonary tuberculosis or neuropsychiatric disease (of more than 10 per cent degree of disability, in accordance with the provisions of subdivision 2 of section 302 of the War Risk Insurance Act, as amended) developing within two years after separation from the active military or naval service of the United States shall be considered to have acquired his disability in such service, or to have suffered an aggravation of a pre-existing pulmonary tuberculosis or neuropsychiatric disease in such service," etc.

Now, I want to ask you first, if you will, to tell the committee what a neuropsychiatric disease means.

Doctor KOLB. Neuropsychiatric disease means any nervous disorder in which there is some mental or psychologic element involved. It would not mean a disease, in our understanding, where, for instance, you just have a nerve injured in your arm, unless there was some mental element involved in the disease. In other words, all of these diseases have a psychic basis or largely a psychic basis or a mental basis so-called.

Mr. DENISON. Then a neuropsychiatric disease is a nervous disease in which there is a mental element involved?

Doctor KOLB. In which there is some mental element involved; not necessarily an insanity, but some mental element is in a way causing or producing the symptoms.

Mr. DENISON. Is that term sufficiently definite in medical science as it is known and understood to-day, so that the appropriate department of the Government can properly administer it, in your judgment?

Doctor KOLB. I think the term is sufficiently definite.

Mr. DENISON. There is a proposition here now to amend that provision by substituting in place of the words "neuropsychiatric disease" other terms, and the proviso that is proposed to be substituted is as follows:

"*Provided*, That an ex-service man who is shown to have a psychosis, neurosis, or psychoneurosis (not due to an infectious disease nor to organic disease or injury), or an active tuberculous disease developing a 10 per cent degree of disability," etc.

Now, do the terms "psychosis, neurosis, or psychoneurosis" include all that is included within the meaning of the term "neuropsychiatric"?

Doctor KOLB. No; it would not include all. It is limited to a certain extent.

Mr. DENISON. I would like you to state why it would not include everything and just what it excludes.

Doctor KOLB. A psychosis, as you know, is a perversion of function. A man has delusions. He thinks somebody is trying to poison him or he thinks he is worth a million dollars when he has not the price of a plug of tobacco, or he has loss of memory, etc.

Mr. DENISON. What is that?

Doctor KOLB. That is psychosis. In other words, that is an insane man. The neurosis or the psychoneurosis is not insanity. We have those people walking around here on the streets with us every day, and the words "neurosis" and "psychoneurosis" are really, in medical literature, interchangeable, although there is a slight difference. They have nervous symptoms which affect them in various ways, for instance, states of anxiety. A man is afraid; he is afraid something is going to happen, and he does not know what it is, and he does not know why, and he knows it is foolish, but he is just afraid of it. He has a hysterical fit. That is a psychoneurosis of the hysterical type, and not epilepsy; or he may have various symptoms referable to different parts of the body. He may have a paralysis of his arm which is purely due to mental causes and which can be cured by various psychic mechanisms or by accidental means. The arm is probably just as good, and is just as good, as ever. That is a psychoneurosis, or a neurosis, as we usually term it. Neurosis is more particularly distinguished from psychoneurosis as in the case of functional heart conditions. For instance, a man's heart is beating, after a little excitement or without any excitement, inordinately rapid. He has tremendous fear about the condition of his heart, but, as far as we know, we can not find any organic condition involving his heart.

That would be called a heart neurosis. We might have a neurosis referable to the respiratory system, and a man under certain circumstances, possibly when he recalls some incident unconsciously or some associations in which he had gotten short of breath before, he gets very much short of breath and thinks he is going to die when, as a matter of fact, there is nothing but a mental cause back of all these symptoms. That would be a so-called respiratory neurosis; but the words "neurosis" and "psychoneurosis" are, as a rule, interchangeable. They represent those nervous conditions, sometimes very distressing and difficult to cure, short of the insanities which come under the word "psychosis."

Psychosis, as defined here, "not due to infectious disease nor to organic disease or injury" excludes some of the insanities which I think the present law takes in. For instance, I think it would exclude the very common form of insanity known as general paralysis of the insane, or paresis, which is due to an infectious disease, namely, syphilis; and there are very many other insanities due to organic diseases. For instance, an injury to the brain may so disorganize the brain as to cause a man to have all kinds of delusions and loss of memory; and a tumor of the brain may cause a man to become insane. Such insanities or psychoses would be excluded under this law, whereas they are included in the general neuropsychiatric term.

Mr. DENISON. Now, take the term "neuropsychiatric," and, briefly speaking, what would that include that is not included in these three terms? Would that include anything except that which is mentioned in the parentheses?

Doctor KOLB. That which is mentioned in the parentheses is "not due to an infectious disease nor to organic disease or injury." That would exclude the very common form of insanity I have mentioned, namely, paresis. It would exclude all forms of insanity due to definite organic changes in the brain, such as brain tumor, injuries and psychoses in conjunction with a disease we know as Huntington's chorea, and the psychosis which frequently follows in the case of a degenerative nervous condition known as multiple sclerosis. Also there are a number of other psychoses of organic origin which would be excluded by this particular phrase, although the very vast majority of the psychoses are not due to these rare organic changes, and they would be included in this term here, namely, psychosis, except the condition which I refer to known as paresis, which is excluded by the exceptions and which is possibly as common among men as any other form of psychosis. This phrase would also exclude epilepsy. Epileptics are not mentioned here.

Mr. DENISON. I was going to ask you about that now.

Doctor KOLB. That is a neuropsychiatric disease and sometimes leads to insanity which is called epileptic psychosis.

Mr. NEWTON. Doctor, under "infectious disease" any neurosis or psychosis developing through syphilis would be included in that term "infectious disease"?

Doctor KOLB. That is my interpretation of it.

Mr. NEWTON. Syphilis, of course, involves organic changes.

Doctor KOLB. It does.

Mr. NEWTON. And that would be included in that, as well?

Doctor KOLB. It would be included in both of those.

Mr. NEWTON. If this clause "not due to an infectious disease nor organic disease or injury" were stricken from the bill, then these general terms "psychosis, neurosis, or psychoneurosis" would embrace that condition caused by syphilis, would it not?

Doctor KOLB. It would, undoubtedly.

Mr. NEWTON. Does paresis sometimes result from syphilis?

Doctor KOLB. It always results from syphilis and never from any other condition.

Mr. GRAHAM. What disease is that?

Doctor KOLB. Paresis.

Mr. NEWTON. It always results from syphilis?

Doctor KOLB. Always. There is always syphilis of the nervous system and of the brain.

Mr. NEWTON. Is the term "neuropsychiatric" all-embracing enough then to take in syphilitic insanity?

Doctor KOLB. It is. There are forms of syphilitic insanity not called paresis, like cerebral syphilis with psychosis. That is merely a technical, scientific differentiation which is made by psychiatrists and pathologists.

Mr. NEWTON. Doctor, when the war risk insurance act was passed it provided compensation for the men who were disabled and who could trace their disabilities to service origin whether that commenced the disability or whether it aggravated a disability that they had when they entered the service. A year or two ago an amendment was passed providing that if a man developed neuropsychiatric trouble within two years from the date of his discharge from service it would be presumed to be of

service origin. Now, of course neuropsychiatric, as you have said, is an all-embracing term, so that if a man at any time within two years developed any of these troubles, whether from syphilis or otherwise, it would be deemed to be due to his service. Now, this thought occurs to me. Different rules should apply in reference to those involving organic changes and those that do not involve organic changes, because a man may have a case of precox of the most pronounced type, as I understand it, and die and a post mortem be held which would show no change whatever in the structure of his brain cells. Is that correct?

Doctor KOLB. That is true.

Mr. NEWTON. So I can see myself a reason for giving a presumption to the man who has mental trouble that does not involve a change in organism but where it does involve that, and where it can be traced by the pathologists in the event of death or by the physicians, more or less imperfectly in the event of life, the thought occurs to me there is not any occasion for at least extending the presumption from two years to three years. Have you any conclusions you desire to express with that thought which I have thrown out.

Doctor KOLB. I agree that there is no reason why the period should be extended from two to three years to take in the organic disorders although there are cases of organic disorders resulting in psychosis which may have had their incipency during the service; perhaps, not due to the service, but nevertheless started during that period. For instance, an incipient brain tumor may have existed during the service, which causes a psychosis just as distressing as the other psychosis you have mentioned, dementia precox, but the cases with organic lesions that were not discovered before or which did not present symptoms before the two years would, I think, be rare. Very few indeed would go for three years without showing some symptoms.

Mr. NEWTON. But in the event of a brain tumor would there be apt to be anything within the service records while he was in the Army, or within two years after his discharge, which would give evidence of that.

Doctor KOLB. There might be nothing in the records whatever as to brain tumor or other organic diseases. The cases would be rather rare, though, as I have said, or he may have had his condition diagnosed as a neurosis because the thing was then so indefinite that we could not trace it down and could not actually know it was a brain tumor. I have seen a case of that kind treated in the Army as neurasthenia and later turn out to be a brain tumor.

Mr. SANDERS. Doctor, why should there be any presumption where a man has psychosis, neurosis, or psychoneurosis within two years after he had been in the service that it is of service origin.

Doctor KOLB. There is no very valid reason why there should be a presumption except that many people with these conditions go along for a year or two and never complain about them. When the condition actually develops after two years, I think we can definitely say that it was not of service origin and the service had nothing to do with it. The only thing that this provision of the law would cover would be some cases that have not come up yet and have not been discovered and where it would be difficult to establish the fact that they were really sick before the two years or before the three years.

Mr. SANDERS. But aside from the question of whether we are going to enlarge it from two years to three years, there is nothing raising a presumption simply because a man has psychosis, neurosis, or psychoneurosis, that it was of service origin, without knowing the history of the service or something that occurred while he was in the service.

Doctor KOLB. I can see no reason whatever from a medical standpoint.

Mr. SANDERS. For instance, a man went into a training camp and was there 60 days and went along in a normal way and was perfectly healthy during the time he was there and there were no extraordinary weather conditions or anything that happened that could possibly affect any organism or affect his nervous system in any peculiar way; the mere fact that within two years after he left the service he developed psychosis, neurosis, or psychoneurosis, does not give any ground at all for any such presumption, does it?

Doctor KOLB. None whatever; and that is especially true with reference to neurosis and psychoneurosis.

Mr. SANDERS. There is not any more reason for presuming that that was of service origin than there is for presuming that a man who developed a bad heart within two years got that from service origin?

Doctor KOLB. Not as much, I should say.

Mr. SANDERS. And I fancy you could take a number of diseases and troubles that a soldier has within the two years where it would be more natural to presume that the disease or trouble was of service origin than in these cases, is not that true?

Doctor KOLB. I think so.

Mr. SANDERS. If a physician is given a history of the service which involves fights on the battle fields, shell shock, and things like that, and a history of the case afterwards, the physician is able to determine upon that history whether it is reasonable to make such a presumption, is he not?

Doctor KOLB. The physician can, but there is one element in this matter which I would like to mention. The compensation involves, of course, pay to some of these fellows who never before made more than the compensation they are getting, and lots of them are consciously exaggerating symptoms, and it is very difficult for a physician, no matter how skillful a neuropsychiatrist he is, to just draw the line and tell what the man is exaggerating and what is the truth. I have just come from a hospital which treated neurosis and psychoneurosis, and most of those patients being treated now have conditions where there is no physical anomaly whatever, and we have just what the man tells us about his condition. We know he is truthful in lots of cases and we know he is really distressed, but there are undoubtedly lots of other cases where they are merely taking advantage of the situation and the men can claim they are sick and be distressingly sick and can even simulate paralysis of the arm of leg so that you can hardly know without putting him under an anaesthetic just what the facts are.

Now, extending the neurosis and psychoneurosis cases for three years will, of course, give an incentive for that sort of exaggeration among certain classes of people; that is, among people who were basically, in the beginning, nervously unsound and who easily develop nervous symptoms and are of somewhat subnormal intelligence—not necessarily feeble-minded, but somewhat below the average in intelligence. Those people easily develop psychoneurotic conditions of all kinds, and they are people who are really so made that they will simulate symptoms and pretend to have symptoms which they really do not have.

Mr. SANDERS. Of course, the theory of the compensation law is to compensate the soldier for disabilities incurred by reason of his service. Now, without any presumption at all, the physician determines from facts he is able to gather and forms an opinion, and that opinion, of course, is evidence to go to show a particular condition, but with this presumption there is no question of opinion involved at all. It is simply a question of bringing the patient within the law.

Doctor KOLB. Yes.

Mr. SANDERS. Which do you think would more nearly accomplish justice, both to the United States Treasury and to the soldier, to leave the question to proof from the history of the case and the condition of the patient, to be determined by an opinion formed by the physician or surpron upon such facts, on the one hand, or to have an absolute, conclusive presumption, without reference to whether the man served 30 days in a camp without any possible chance to have contracted it or on a battlefield where he may have contracted it; which do you think would come nearer reaching the correct result from the standpoint of justice?

Doctor KOLB. I think the opinion of the physician would be a more nearly just presumption.

Mr. GRAHAM. Doctor, Webster defines neurosis and psychosis as mental or nervous diseases not due to organic change. Is that approximately correct?

Doctor KOLB. Yes, that is approximately correct, but medical men themselves wrangle over those terms at the present day. There are some men who claim that every neurosis or psychoneurosis symptom has a mental basis. There are other medical men who claim the causative agent is some undetermined toxin floating in the blood. In other words, there is a very modern theory that our so-called glands of internal secretion, either by functioning wrongly or not functioning at all, are doing something to the body—this is all indefinite—which is causing these conditions. Other medical men do not accept that, so it is a matter of opinion, and so far as we know the best opinion is that most of the neurotic and psychoneurotic symptoms are due to some psychic mechanism working upon a mind which originally was somewhat unstable; in other words, had a tendency to develop these particular symptoms.

Mr. GRAHAM. Are we safe in saying that psychosis and neurosis would ordinarily be interpreted to mean mental or nervous diseases where there was not organic change?

Doctor KOLB. We would be.

Mr. GRAHAM. So that in changing this law, if we do change it, we are eliminating all that class of nervous or mental cases which originate from organic changes.

Doctor KOLB. Yes; which we definitely know are due to organic changes.

Mr. GRAHAM. Such as brain tumors. Would that include also changes in the spinal cord?

Doctor KOLB. Yes; but, of course, a change in the spinal cord would not necessarily produce any mental symptoms.

Mr. GRAHAM. I had in mind locomotor ataxia.

Doctor KOLB. This would exclude locomotor ataxia.

Mr. GRAHAM. And various forms of inflammation in the skull, that produce various symptoms?

Doctor KOLB. Yes; inflammation within the skull may cause insanity by involving parts of the brain.

Mr. GRAHAM. Doctor, I am curious to know just what we are cutting out if we make this change. At present, neuropsychiatric diseases include all these mental and nervous cases of every kind whether due to organic changes or due to causes without organic changes. Now, what do we cut out besides syphilis if we make this change?

Doctor KOLB. Well, you have just mentioned diseases due to inflammatory condition of the brain. Sometimes after pneumonia or diphtheria or scarlet fever, or something of that sort, there is an inflammation of the meninges of the brain, causing injury to the brain that will change a man's personality altogether and may cause him to be insane, and after a brain injury, such as a blow on the head, for instance, there may be changes in the brain structure of itself which would cause trouble. There may be pressure, for instance, upon part of the brain, causing epilepsy, which may develop into psychosis, or an injury to the brain itself may be followed by an infection in that region, which infection would cause destruction of a certain number of brain cells and make a change in the personality of a man which might amount to an insanity. Also, there are men who develop a psychosis due to arteriosclerosis of the brain. This is a condition in which the arteries thicken and the blood supply does not flow through them as well as it formerly did, and finally certain arteries are occluded, resulting in the shutting off of a certain part of the brain which dies and you develop various symptoms, the most striking being loss of memory and often various delusions, and also senile dementia and psychiatric changes following strokes of paralysis which people sometimes have would, together with the other conditions referred to and certain related conditions, be excluded by this phrase.

Mr. GRAHAM. And also encephalitis lethargica.

Doctor KOLB. That would be excluded and also poliomyelitis, which sometimes involves the brain, and cerebral spinal meningitis and things of that kind, which when producing psychoses do so because of organic changes they bring about in the brain or in the membranes covering the brain.

Mr. GRAHAM. So there is a large group that would be excluded?

Doctor KOLB. Yes; there is a large group that would be excluded but the cases are not as numerous as in the other group; and large as it is, eliminating syphilitic diseases would leave it rather small.

Mr. GRAHAM. Yes. While we might agree on the syphilitic troubles, I was wondering how large the group was aside from those troubles. I knew there were some of them but how many there were I did not know.

Doctor KOLB. I think the group, eliminating the syphilitic from consideration, would include less than 10 per cent of all cases of psychoses. I am not sure my figures are correct but I think it would include something less than 10 per cent.

Mr. GRAHAM. Something less than 10 per cent of all neuropsychiatric diseases?

Doctor KOLB. Yes.

Mr. GRAHAM. The Veterans' Bureau is now treating all of those cases?

Doctor KOLB. Yes, sir.

Mr. GRAHAM. Do you know about how many cases of neuropsychiatric diseases due to syphilis are being taken care of by the bureau at this time?

Doctor KOLB. No; I do not know. I have not those figures.

Mr. GRAHAM. What do you think personally—I am curious to have your opinion because you are a Public Health officer and have had much experience—what do you think of the desirability of making this change?

Doctor KOLB. Extending it one year?

Mr. GRAHAM. No; I am talking about the change in terms now, eliminating neuropsychiatric and putting in neurosis, psychosis, and psychoneurosis.

Doctor KOLB. I think it desirable in that it eliminates, for instance, the syphilitic diseases which are usually not due to anything that the Government did to the man.

Mr. MERRITT. Usually what?

Doctor KOLB. Usually not due to anything that the Government did to the man. Of course there are syphilitic insanities which may have been aggravated through some special stress that the man went through. He may have received a blow on the head which caused inflammation in a certain part of the brain, and from that the syphilitic infection already there could have started up anew, but I think that the provision eliminating psychoses to infectious disease and organic disease or injury is perfectly just. Lots of those diseases are bound to arise in the future, and it will be difficult to tell later on whether they started in the service or not, because the history will not be definite. You will not be able to get at it, and there will of course be a tendency on the part of the friends of such patients to date the thing back, and that would often be done.

Mr. GRAHAM. For instance, take the matter of the disease we commonly call sleeping sickness, but which is not true sleeping sickness. Is it your opinion as a physician that that disease is always caused by infection?

Doctor KOLB. Yes; that is undoubtedly always caused by an infection.

Mr. GRAHAM. What do you say about medical writers who have called attention in many papers on the subject to the fact that sporadically these cases follow attacks of influenza and have for centuries past?

Doctor KOLB. That is all right. Influenza itself is an infectious disease, and if an influenza germ causes encephalitis lethargica, that still keeps it within the category of a disease due to infection. We have not definitely discovered the germ of encephalitis lethargica, but that it is a germ, I think, is generally accepted by all medical men. It is an infection. The pathological processes involving the brain tissue show definitely that it is an infection.

Mr. GRAHAM. Does it follow as a sequel to anything except influenza?

Doctor KOLB. Not as far as we know, and we do not know that it necessarily follows influenza. We may have influenza this week and in two or three months have encephalitis lethargica, and we do not know that the influenza is in any way responsible. It may or it may not be a causative factor.

Mr. GRAHAM. In other words, it is a matter of conjecture in the medical world, is it not?

Doctor KOLB. Yes.

The CHAIRMAN. Doctor, does the use of these three words here more nearly accurately define the troubles than the more comprehensive word "neuropsychiatric"? Doctor KOLB. It does more accurately describe certain conditions, but it limits the law to these three special things, or the so-called functional psychoses, neuroses, and psychoneuroses. In other words, psychosis and neurosis are due to conditions which, as far as we know, have no organic basis. It more nearly accurately defines those special conditions.

The CHAIRMAN. Would you say, if you had to administer the law for the purposes intended, that a subdivision such as indicated here would afford you a more intelligent basis for classification.

Doctor KOLB. It would.

The CHAIRMAN. For duly establishing compensation?

Doctor KOLB. It would.

The CHAIRMAN. And for that reason it would be desirable.

Doctor KOLB. Yes. It depends, of course, if you want to define the compensation and limit the three-year provision to these special things. If you do, it would be more desirable to have those three words.

The CHAIRMAN. Would you further say that the differentiation would be a basis for different classifications with reference to establishing compensation?

Doctor KOLB. I do not just exactly get your meaning.

The CHAIRMAN. What I have in mind is, would one of these terms perhaps indicate a certain condition of the patient which might entitle him to one classification in respect of compensation as distinguished from what might properly fall to him under one of the others?

Doctor KOLB. It would.

The CHAIRMAN. To that extent, for the administration of the law, it would be advantageous over a blanket term like neuropsychiatric?

Doctor KOLB. I think so. I am quite sure it would.

The CHAIRMAN. And for that reason you think it would do, with the limitations put here in parenthesis, all that the other term would, and it do with a proper differentiation as between the classes?

Doctor KOLB. I think it would; in fact, I am sure of it.

Mr. LEA. Do you happen to know the number of claims for these neuropsychiatric cases that have been presented and rejected, having developed after the two year period?

Doctor KOLB. No; I do not know that. I have been in a hospital and of course they have those figures from all the other places at the Veterans' Bureau but I would not have them.

Mr. LEA. Could you give us any information by comparison as to the number of these cases that developed in civil life as compared with the number of such cases that have developed among ex-service men.

Doctor KOLB. Well, the cases of psychoneurosis now presenting themselves for treatment are all cases, or nearly all are cases—I will not make it quite so strong—which would have developed it if there had never been a war. I think that is our experience from our studies at Waukesha. Of course, many of our cases there did begin in the service and many of the patients were abroad, but the cases coming in now to the

hospitals are men who have heard about vocational training and about compensation. They are men who always were a little bit inadequate and who easily develop nervous systems. A neurotic person often gets neurotic through a wish, sometimes unconsciously. He is ambitious and his ability to accomplish things does not correlate with his ambition. He solves the difficulty by getting a neurosis and the trouble is started by developing symptoms in that way.

That is the kind of case we are getting among the psychoneurosis patients at the present time. They are men who were basically nervous in the beginning, who know about the compensation and the vocational training, and who are making, in some cases, mountains of symptoms which ordinarily they would never have thought of; symptoms which many of us here probably have in a modified form and which we are making the best of. Of course, we have a basic nervous foundation which enables us to overcome a lot of the little difficulties we have, whereas these men have not, and they are taking advantage of the law to develop symptoms. In other words, there is an underlying wish to have just what they have got, and of course, those things are very difficult to cure when the motive for continuance of the symptoms is right in front of them.

Mr. LEA. Could you give us your judgment as to the number or percentage of bona fide N. P. cases that would develop after two years due to the service.

Doctor KOLB. Due to the service?

Mr. LEA. Yes.

Doctor KOLB. I would say none. If they have not developed it within two years and develop it afterwards, the service has absolutely nothing to do with it.

Mr. LEA. Frequently I have met cases where men have had impaired health following the service, and subsequently, and perhaps a considerable period after their discharge, tuberculosis or one of these diseases develops. In rating such men does the bureau take into consideration the impaired condition of health following service as promoting the ultimate disease?

Doctor KOLB. Yes; those things are all taken into consideration. Now, just what the bureau does, I do not know, but I think they do that, and in summing up the case at the hospital where I have been, we always give consideration to any disease or condition this man may have had which may have aggravated or caused his nervous condition. For instance, if he had influenza in the service and was afterwards weak and could not sleep, we give that great consideration as a causative factor in the development of a neurosthesis which may have started or for which he may have come for treatment a year later. We are probably in many cases too liberal in that respect, but it is a thing which we have to consider as a possible causative factor in the development of his future nervousness.

Mr. LEA. As I understand your testimony, the classes of diseases excluded in the parenthesis, in lines 8 and 9 on page 4, are far less likely to be due to the service than psychosis, neurosis, and psychoneurosis.

Doctor KOLB. I think they are less likely to be due to the service.

Mr. LEA. Do you think that is true to such an extent that we would not be doing an injustice to exclude them from the benefits of this presumption?

Doctor KOLB. I think so.

Mr. RAYBURN. Doctor, how many months after a man leaves the service may a mental disorder be traced to his service?

Doctor KOLB. Of course, each case is different.

Mr. RAYBURN. I mean in any case.

Doctor KOLB. We find cases coming to us now for treatment who have no very definite symptoms as far as we can see, but they claim to have pains and discomforts in the stomach and are perhaps vomiting or their heart is beating fast, and they have all kinds of fears. Now, they will tell you that these things started in the service; that they got scared one time or there was a shell explosion and they were unconscious a little while, but they never went to the hospital, and therefore their discharge papers will show that they were discharged in good condition. Now, it is a question of opinion in all of those cases just whether their experience in the service had anything to do with the neurosis which they claim at the present time. We think we have, in some cases, traced the cause back in the cases of some men who have come to us for treatment as far as nearly two years or as much as two years to the very beginning of the trouble.

Mr. MERRITT. How long did you say?

Doctor KOLB. As far back as nearly two years, or in some cases two years. Those men who have not been to a hospital before for treatment come now and the history they give, if true, shows that they really were in a way disabled in the service, but they have not come for treatment until a year or two years later.

Mr. RAYBURN. My question was how long after separation from the service is it possible that a man who develops one of these nervous troubles has a trouble that would be traceable to his service. That is what we have to determine. There may be only 100 such men out of the 4,000,000, but that 100 ought to be taken care of.

Doctor KOLB. Yes.

Mr. RAYBURN. And that is what we are trying to determine.

Doctor KOLB. In my opinion no neurosis or psychoneurosis traceable to the service would develop after two years.

Mr. RAYBURN. Therefore your answer is that you think it is possible up to the end of two years.

Doctor KOLB. Being very liberal it is possible up to two years; that is, being very liberal on the side of the man.

Mr. RAYBURN. Doctor, how about tuberculosis?

Doctor KOLB. Well, I am not a tuberculosis expert and I would prefer that some of the expert tuberculosis men should answer that question.

Mr. RAYBURN. Now, you do not oppose this additional year.

Doctor KOLB. No; I do not oppose it. I have no motive whatever.

Mr. RAYBURN. I mean as a part of the war risk insurance act. You are a citizen just like we are.

Doctor KOLB. Yes.

Mr. RAYBURN. Now, if some of these cases can develop up to 24 months, and they do develop, say, after the 24th month, but this particular man waits until the twenty-fifth month before he asks for treatment, if that was a very advanced case, he must have had it within the 23 months.

Doctor KOLB. Yes. The law and the regulations now provide for such a man to get his compensation by submitting affidavits from physicians or from employers or from relatives and friends proving he was sick before the two years elapsed. A number of such people are now receiving compensation.

Mr. RAYBURN. That is just the point. They did not go to a doctor within two years but went to a doctor, say, at the end of the twenty-fifth month.

Doctor KOLB. Yes; as I said before about the two-year provision, it is a just law for the simple reason that a lot of these men who are sick did not go to a hospital before and submit their cases. In other words, the medical statement sent from the hospital may not be accepted at the bureau because the thing is not definitely proved as the law provides. We know lots of men have had their difficulty in the service, or it developed from the service or within two years of their service, but they have difficulty in proving it.

Mr. RAYBURN. I remember that when we were in conference with the Senate on this very provision, the representatives of the War Risk Bureau, medical division, and of the Public Health Service were agreed on this two-year provision, and that was the reason why we put it in, but here is the situation we find ourselves in, especially with reference to tuberculosis.

A man comes along after 25 months. It is presumed under this law that if he has tuberculosis within 24 months it is of service origin. Whether that is a correct presumption or not, we put it in the law, but a man may come along in 25 months with a pretty well advanced case of tuberculosis. He has never been examined by a doctor before and did not know he had it. He may have had some little inconvenience but thought he would come out of it all right, but at the end of 25 months, when he is examined, he has a fairly well-developed case of tuberculosis. If he is in that condition, he certainly must have had the tuberculosis before the 24 months expired, and I presume that is what the committee had the intention of covering when it suggested the three years.

Doctor KOLB. The regulations of the Veterans' Bureau at the present time provide for extending that date back; that is, they provide that if a man has tuberculosis in a certain stage it must have existed for a certain number of months previously. I do not know just what those regulations are but there is a representative of the bureau here who can tell you about that.

Mr. RAYBURN. I would like to know right here about that.

Mr. NEWTON. May I interrupt a moment?

Mr. RAYBURN. Yes.

Mr. NEWTON. That has already been put in the hearings in connection with the testimony of Doctor Dunn.

Mr. RAYBURN. I will never read the hearings and I would like for him to tell me now.

STATEMENT OF DR. EARL K. HOLT, OF THE UNITED STATES VETERANS' BUREAU.

Doctor HOLT. The regulation is known as "Regulation 20-B," promulgated by the bureau after a conference of representative specialists on tuberculosis on, I think, November 29, 1922. It was the sense of this conference of experts that, if a man showed tuberculosis in what is called a "minimal state" (which is a technical expression meaning in a general way, "beginning tuberculosis"), it is certain upon scientific medical grounds that he has had active tuberculosis for six months past. In other words, the establishment of "minimal tuberculosis" to-day necessarily shows the existence of active pulmonary tuberculosis for six months past. Therefore if minimal tuberculosis is found within 30 months after the date of discharge, it is taken as showing active tuberculosis within 24 months after the date of discharge and in such circumstances the disability is connected with the service under the presumption in section 18 of the amendatory act of August 9, 1921. In the case of a more advanced tuberculosis, so-called, "moderately advanced," the disease would have been in existence longer than it would necessarily have been in existence in the case of minimal tuberculosis.

Mr. MAPES. Does the same principle apply in fixing the disability on account of these nervous diseases?

Doctor HOLT. It does not; no, sir. In the case of a moderately advanced tuberculosis the existence of that disease to-day shows activity for at least nine months, so that moderately advanced tuberculosis 33 months after discharge is considered as showing active tuberculosis within 24 months from discharge connected with the service. In the case of far advanced tuberculosis, predicated it upon medical science, that is sufficient proof that active tuberculosis has existed for a period of a year, and therefore such tuberculosis a whole year after the 24 months is taken as proof that it was active within the two years and therefore connected with the service under the presumption of section 18. This is the substance of regulation 20-B based upon the professional opinions of the leading tuberculosis experts of the country in conference at the Veterans' Bureau.

Mr. SWEET. Now, if I may interject a question, that is a presumption based upon medical opinion.

Doctor HOLT. Yes.

Mr. SWEET. Then you are basing a presumption upon a presumption, because the law has a conclusive presumption of two years and in a very advanced case of tuberculosis you have a presumption of one year which makes a total of 36 months.

Doctor HOLT. Yes, sir.

Mr. HAYBURN. Does this apply to all cases of tuberculosis or simply to pulmonary tuberculosis.

Doctor HOLT. Regulation 20-B relates only to pulmonary tuberculosis.

I did not mean to cut off the gentleman who asked about the analogy between tuberculosis and "neuropsychiatric disabilities." I can only say that tuberculosis being an organic disease—that is, representing a definite involvement of certain structures in the body—its length of duration is measurable, in a way, on experimental basis. Thus, if you find that the disease has progressed to a certain point of involvement, there is enough clinical experience to show that the disease has been in existence for a certain number of months while in the case of "neuropsychiatric diseases," which are functional diseases of the mind, you have no organic basis upon which to rely as being an adequate criterion to formulate a regulation similar to regulation 20-B; so that the only thing you have to go on is your record of facts that are submitted in substantiation of the claims. If you had a well-developed case of dementia praecox that shows 25 months after discharge, you would of course know that that disease had been in existence a month before or even two or three months before, and that would be within the presumption.

Mr. NEWTON. You are taking care of those cases?

Doctor HOLT. Those cases are taken care of administratively, but they must be handled individually, and they can not be covered in any general regulation as is possible in the case of tuberculosis, which represents an organic involvement.

Mr. DENISON. Doctor, do you not think that is the way they ought to be handled?

Doctor HOLT. Yes, sir.

Mr. NEWTON. Doctor, I would like to ask you this question—

The CHAIRMAN. Are we going to take up the tuberculosis matter now?

Mr. NEWTON. My question has reference to a matter I want to ask Doctor Holt about in connection with the testimony of Doctor Kolb. I understood Doctor Kolb to say that the bureau was giving the benefit of this two-year presumption to neuropsychiatric cases even where they arose from syphilis. It was my understanding

from a talk I had with some officer of the bureau some months ago that that is not the case.

Doctor HOLT. No, sir.

Mr. NEWTON. That you were not taking care of these syphilitic cases. What are the facts?

Doctor HOLT. Those cases are not adjusted under the terms of section 18 because they are not considered as falling within the provisions of the act.

Mr. NEWTON. That is, within the provisions of the presumption.

Doctor HOLT. Yes; because they do not conform to the expression "neuropsychiatric disease," as that term has been defined.

Mr. NEWTON. I believe you do not disagree with the doctor that neuropsychiatric is sufficiently all-embracing so as to take them in.

Doctor HOLT. I would have to reiterate a remark I made here the other day that the expression "neuropsychiatric disease" has no real accepted legal and scientific meaning, and therefore is a particularly undesirable word to use in a law. The bureau has been confronted with the necessity of making a definition upon which it could work. If we would take the literal legal definition, that it is any neurological disease with psychiatric elements this would eliminate all the functional diseases of the mind without organic involvement and would at the same time, for example, eliminate certain neurological diseases. You would therefore include psychosis or psychoneurosis only when due to or accompanied by organic neurological conditions. The present wording of this bill would incorporate in the law terms which would allow the bureau to take care of the cases that were evidently intended to be taken care of under section 18.

Mr. NEWTON. How many cases have come under your observation of syphilitic insanity or near insanity, which the Government would have to take care of under this presumption if the law was not construed as you are now construing it.

Doctor HOLT. I can not say in terms of numbers except that in the age group represented by the Army you will find paresis representing probably from about 8 to 12 per cent of all the insane of that group.

Mr. NEWTON. Some one told me at the bureau some months ago, as I recall it, that there were about 7,000 cases of syphilitic insanity that would come in under the provisions of the presumption if the bureau had not defined neuropsychiatric in the way that they have defined it.

Doctor HOLT. I think the figure is high. I do not think it would be more than three or four thousand.

Mr. NEWTON. Mr. Chairman, could we not have as a part of the hearings the regulations that the bureau have issued in connection with this term "neuropsychiatric"?

The CHAIRMAN. Is there any objection to that?

Mr. HUDDLESTON. I have asked for all the regulations.

The CHAIRMAN. Yes; but we came to a point where we were in the air as to whether it would be a desirable thing to do from the standpoint of the administration of the bureau to have them all published, and we left the matter there.

Doctor HOLT. The regulation that Mr. Newton refers to is only about a page and a half long and could be produced.

Mr. HUDDLESTON. I do not see any difference between a regulation relating to one thing and one relating to another, particularly as to the different diseases.

The CHAIRMAN. The basis of compensation, as the chair remembers it, was the matter which provoked the discussion. However, we can arrange about that later.

Mr. MAPES. I would like to ask one question of Doctor Kolb.

Mr. HUDDLESTON. I would like to ask Doctor Holt one question, if I may. I would like to ask whether there is any term which might be used to include all cases of mental disabilities due to disease or injury. You say that "neuropsychiatric" does not include them and that "psychosis," "neurosis" and "psychoneurosis" do not include them, and I am wondering if it is not possible to find some word that would include them, supposing that we wanted to do that.

Doctor HOLT. The only satisfactory way that they will ever be covered will be to specify them by the disease groups with sufficient accuracy to allow no misinterpretation of the act.

Mr. HUDDLESTON. It is almost impossible to prevent misinterpretation, and I am wondering if there is not some word that would be reasonably satisfactory for that purpose.

Doctor HOLT. There is no one word or one expression.

Mr. HUDDLESTON. It would not be sufficient to use the expression "mental disability due to disease or injury"? It strikes me that would be rather inclusive and would be hard to evade.

Doctor HOLT. You would leave out all of your organic neurological cases, cases in which there is no mental disability, and cases in which there is brain disease without insanity.

Mr. SWEET. And you would get into the territory of including many diseases that no physician could say had any presumption that it was connected with the service.

Doctor HOLT. Yes.

Mr. HUDDLESTON. Does "neuropsychiatric" include a disease which results in no mental disturbance?

Doctor HOLT. The term "neuropsychiatric disease," as I said before, has no satisfactory meaning. If you want to accept it as meaning any disease that has organic neurological plus psychiatric factors, then it includes only those diseases in which there is organic involvement of the nervous tissue and, added to that, mental disturbance.

Mr. HUDDLESTON. You mentioned a moment ago brain diseases which involve no mental disturbance, so it would not include them?

Doctor HOLT. No.

Mr. HUDDLESTON. They are not included now?

Doctor HOLT. They would not be included under the definition of the term as previously quoted.

The CHAIRMAN. Will it now be agreeable to let the witnesses go on one at a time and have the first witness now complete his statement?

STATEMENT OF DR. LAWRENCE C. KOLB—Resumed.

Mr. MAPES. Doctor, I may not have understood your testimony some time ago correctly, but I understood you to say that the change of the language in the present law from neuropsychiatric disease to psychosis, neurosis, and psychoneurosis would eliminate those patients who were suffering from mental disturbance on account of syphilis; is that correct?

Doctor KOLB. That is correct.

Mr. MAPES. Would they be eliminated with or without the language in the parenthesis which follows psychoneurosis, namely, "not due to an infectious disease nor to organic disease or injury?"

Doctor KOLB. They would not. The word psychosis would take in those various forms of insanity due to syphilis.

Mr. MAPES. Without that language?

Doctor KOLB. Yes. If we did not have this phrase in parenthesis in the bill those diseases would be included.

Mr. MAPES. Is there any other purpose in this change of language that you can conceive of?

Doctor KOLB. The only purpose I can see is to make it more definite and exclude those cases which we definitely can trace as due to an infectious disease. The other old law, as Doctor Holt has just said, contained the word "neuropsychiatric" and by regulation they have excluded them from the two-year provision. It is merely a regulation or an interpretation of the law. Medical men, as a rule, would call syphilis of the brain or paresis a neuropsychiatric disease. I would.

Mr. MAPES. If that class of patients are all excluded, as a matter of practice now, and if that is the only purpose of this language, I should think it is unnecessary.

Doctor KOLB. It would seem that whoever drew up the bill had some doubt as to whether they had any right to exclude them, as a matter of practice, and now wanted to make it definite. I think they should be excluded and I believe it would be better, for that reason to make the law definite.

Mr. MAPES. Are the expert medical men on this subject fairly well agreed with you that it would be impossible for a man to have this mental disease due to his Army service two years after he got out of the Army?

Doctor KOLB. I think that all the physicians who have treated these psychoneurosis and neurosis cases in the hospital at Waukesha will agree with me that if a man has no psychoneurosis or neurosis within two years after his service, that it was not in any way due to the service. Of course, this will not include cases who had this condition and who for some reason or other did not come up and apply for treatment or compensation. It will not include those cases, but they are definitely of the opinion that if a man is well within two years after his service, what he develops after such service in the way of neurosis or psychoneurosis is not in any way due to the service.

Mr. MAPES. Why do you limit it to the men in the hospital which you mentioned?

Doctor KOLB. Well, I have been familiar with those particular men for four years and we have treated these cases as a specialty; that is, cases of neurosis and psycho-

neurosis. The Waukesha Hospital was set aside to treat such cases, and of course the men there have had wide experience in handling these patients.

Mr. NEWTON. That is a Veterans' Bureau hospital?

Doctor KOLB. That is a Veterans' Bureau hospital No. 37. Of course, I have not consulted with all the medical men on this particular subject, but I believe that a majority of the neuropsychiatrists who have not had that special experience that we have had will also agree with me. I give that as a matter of opinion. I am not sure that they would, but I think they would.

Mr. MAPES. When did you leave that hospital?

Doctor KOLB. About two weeks ago. On the 20th of January I gave up charge of the hospital.

Mr. MAPES. Were patients coming there up to the time you left who had not had any treatment within the two-year period and who proved to your satisfaction that the trouble arose before the two years expired?

Doctor KOLB. We were receiving patients who had not been treated within the two years and some of those patients, I thought, had been sick before the two years expired. They had merely not applied for treatment or were getting along without it. As I said before, neurosis is a question of a lack of adjustment between the man and his environment.

Mr. MAPES. And that was over four years after the close of the war?

Doctor KOLB. Yes.

Mr. MAPES. Mr. Sanders asked you something about men or boys who went to camps and were in the camps 30 days and never got over to France. In your experience have you known of men under those conditions who never actually went to France and never got into the battle line, whose mental condition was so disturbed by reason of the fact that they were actually in the Army and anticipating being sent over to France, that they lost their mental balance?

Doctor KOLB. There were some very weak, unstable, nervous men who merely by coming to the camps and fearing what might happen if they went abroad, developed very pronounced neuroses. These men, of course, were nervous to begin with.

Mr. MAPES. And their disease was just as much due to their Army service as in the case of men who faced the bullets of the enemy.

Doctor KOLB. I would think so, eliminating that one factor of what he was when he was born—hereditarily unstable.

Mr. MAPES. Do not see how we could examine into that too closely.

Mr. SWEET. Doctor, within the term, psychosis, are there any diseases that are not included within the term neuropsychiatric.

Doctor KOLB. No.

Mr. SWEET. In other words, could a man have psychosis that would not be included within the term neuropsychiatric?

Doctor KOLB. Neuropsychiatric, to my mind, and according to what I think is the general interpretation among medical men, includes anything which is a psychosis.

Mr. SWEET. And that would include every form of insanity?

Doctor KOLB. To my mind a neuropsychiatric disease would include every form of insanity.

Mr. SWEET. And the word psychosis is, of course, more definite than neuropsychiatric.

Doctor KOLB. A little more definite than neuropsychiatric, especially with this phrase in parentheses. That makes it very much more definite.

Mr. SWEET. And in your judgment, having had experience with these men, you believe that following the words psychosis, neurosis, and psychoneurosis, you would have the words "not due to an infectious disease nor to organic disease or injury"?

Doctor KOLB. I would have that phrase in.

Mr. SWEET. And what would you say to adding these words right after the word injury, "acquired since separation from the service." In other words, there are many cases that may arise within two or three years that absolutely have no connection with the service.

Doctor KOLB. Yes.

Mr. SWEET. Would it be possible for the physicians to determine in each individual case whether it was of service origin or not, notwithstanding this presumption.

Doctor KOLB. It would not be possible and it would throw the thing back into an indefinite field again. If you put those words in there, "arising since the service," that would be the effect, because there is always a question, for instance, in the case of paresis and other syphilitic brain diseases, because a man may have had the infection 20 years ago and get his insanity to-day, and there would be that indefinite field which they would have to work in again, and which I presume the authors of this bill are trying to get away from.

Mr. SWEET. If we use the language in the bill as compared with the language in the law, there would be a certain number who are now receiving compensation who would be eliminated, would there not, under a re-examination of their cases.

Doctor KOLB. I think they would not be eliminated. This provision, as I understand it, is extending the presumption to three years.

Mr. SWEET. Yes.

Doctor KOLB. Instead of two years.

Mr. SWEET. But the bureau has gone on, under a certain construction they have put upon the word, neuropsychiatric, and certain men have been granted compensation on that basis. Now, we change the language to "psychosis, neurosis, or psychoneurosis (not due to an infectious disease nor to organic disease or injury)." It is also in testimony here that the word neuropsychiatric includes certain diseases which are not included within the phraseology in this bill, and naturally we draw the conclusion that certain ones would be eliminated unless the method of the bureau in conducting this matter up to date has practically included those that would be suffering from psychosis, neurosis, or psychoneurosis, etc. Do you see my point?

Doctor KOLB. I see the point.

Mr. SWEET. Now, would it be possible, in your judgment, to go back and re-examine the men for the purpose of determining whether they were receiving compensation according to law?

Doctor KOLB. Under this special language.

Mr. SWEET. Yes.

Doctor KOLB. If they are compensating any men with paresis which developed within two years, possibly under this new phrasing it would not be necessary to go back and examine them to see whether they really should get compensation, but Doctor Holt testified that cases of paresis were now all excluded from that two-year provision, so I think there would be very few, indeed, of cases that would be involved in this change of the law. The only point is, did they have a right to exclude paresis from the neuropsychiatric terminology or classification in the regulation.

Mr. SWEET. But if the bureau thus far in rating men and in construing the law has simply done that upon the basis of psychosis, neurosis, and psychoneurosis not due to an infectious disease nor organic disease or injury, then there would be no one eliminated.

Doctor KOLB. Then there would be no one eliminated, if they have already done that under their regulation.

Mr. HUDDLESTON. Doctor, does "psychosis," "neurosis" or "psychoneurosis" include mental disabilities caused by injuries.

Doctor KOLB. It does.

Mr. HUDDLESTON. Would it include mental disabilities resulting from organic disease.

Doctor KOLB. It would.

Mr. HUDDLESTON. I got into a fog on that subject by reason of your answer to Mr. Graham's question when he quoted a definition from Webster which said that those terms did not include such diseases, which I understood you to approve.

Doctor KOLB. I did not approve his definition, because there is an indefinite line, of course, as to just what should be considered, and medical men do not pay any attention to Webster. We form various opinions of our own. He, of course, had to get an opinion or a meaning in a few words.

Mr. HUDDLESTON. I referred to Webster merely because another reference had been made to that authority and not that I thought any value was attached to the definition.

Doctor KOLB. Yes.

Mr. HUDDLESTON. To be more specific, if a man received a blow on the head and insanity followed caused from that blow, that would be what you would call "psychosis."

Doctor KOLB. In the terminology of the American Psychiatric Association, psychosis due to organic brain disease or injury.

Mr. HUDDLESTON. Then that would be a "psychosis."

Doctor KOLB. It would be a psychosis. That is accepted by the American Psychiatric Association.

Mr. HUDDLESTON. Suppose the mental disability followed meningitis?

Doctor KOLB. That would also be a psychosis.

Mr. HUDDLESTON. Now, those two classes of mental disabilities would be excluded by the use of this language in parenthesis, "not due to an infectious disease nor to organic disease or injury."

Doctor KOLB. They would be excluded. In other words, this paragraph assumes that any case due to an injury or to a disease which is in any way connected with the

service has already come to light and the doctors can definitely tell that it was due to the service.

Mr. HUDDLESTON. That does not necessarily follow, does it?

Doctor KOLB. I think it does.

Mr. HUDDLESTON. You think every case due to disease or injury suffered or sustained while in the service has already made a claim and the claim has been allowed?

Doctor KOLB. I think so; except there may be some rare cases, very rare cases, such as brain tumor, for instance, which I have already referred to. That may be an incipient thing that lasts four or five years before it gives any definite symptoms because all brain tumors do not cause psychosis; but any injury or any infectious condition occurring in the service which will cause a man to become insane has already caused that condition.

Mr. HUDDLESTON. That is an assumption, and there would not follow any necessity to assume that in enacting a law, would there? In other words, let us assume that there is some case in which a man did have a blow from a gun on the head and he has never filed a claim. Is there any reason why he should be excluded from the benefits of this presumption?

Doctor KOLB. There is a reason, I think, in that if he definitely had that injury and can prove it, even if those cases are excluded, if it is proven that he had that condition in the service, that would still bring him within the provision of the law. He would, of course, have to prove, in the meantime, that he was sick before the three years.

Mr. HUDDLESTON. And he would have to prove that that mental disability resulted from that injury?

Doctor KOLB. He would; yes.

Mr. HUDDLESTON. So that we are raising here a presumption against men who sustained injuries and had diseases while in the service which we do not raise against those who had no diseases and had no injuries while in the service?

Doctor KOLB. Yes.

Mr. HUDDLESTON. Does not that occur to you to be unreasonable and unjust?

Doctor KOLB. Well, the point is that with those things we can be more definite and a psychosis—

Mr. HUDDLESTON. You can be definite by saying—

The CHAIRMAN. Will the gentleman allow the witness to answer the question.

Doctor KOLB. A psychosis or neurosis or psychoneurosis can have such an insidious origin that they have been included. In other words, we often can not put our hands on the point where these people began to have the disease, but if we know that a man has had an infectious disease followed by mental symptoms or has had poliomyelitis or that he has a definite brain injury, we know just what and what his psychosis is due to, but with these other things, psychosis, neurosis and psychoneurosis, it is indefinite and they have a very insidious beginning, and the presumption, of course, of the author of this phrase is that they are often existent long before they come to the physician, whereas with these other things the physician can definitely determine in the majority of cases the exact facts. Of course, there may be 1 or 2 per cent of these cases that would suffer under this law, just as you have said, in the case of a man with an injury or tumor or some deteriorating disease that does not affect his mentality. It may be 1 or 2 per cent that the law would necessarily exclude, but certainly not more than that.

Mr. HUDDLESTON. Have you now completed your answer?

Doctor KOLB. Yes.

Mr. HUDDLESTON. You say that the purpose of this clause is to make it possible to apply the law more definitely.

Doctor KOLB. Yes.

Mr. HUDDLESTON. Of course, if definiteness is all we are after, it is very easy to be definite and not give anybody anything, and that ends the whole trouble; but if, on the other hand, we are trying to give the men the benefit of these presumptions who are entitled to them by virtue of their service, definiteness is not necessarily the final aim. I am wondering what kind of cases should be excluded from this presumption which are intended to be excluded by this language in brackets, "not due to an infectious disease nor to organic disease or injury," if to that bracket was added "incurred or sustained after discharge."

Doctor KOLB. Incurred after discharge?

Mr. HUDDLESTON. What kind of diseases ought to be excluded except those that would be excluded by that language.

Doctor KOLB. If you put those words in, "incurred after discharge," it would leave in the air all of the syphilitic brain diseases, paresis and other psychoses due to syphilis, because, as I said before, you may have syphilis now and 20 years from now develop

your paresis, and you can never be definite as to when the syphilis was contracted which caused a particular disease; in fact, there are lots of these people who do not know they ever had syphilis. They had some little sore or something and paid no attention to it, and it went away, so that if you add that phrase you will put syphilis back into the indefinite class again and these cases will all be compensated.

Mr. HUDDLESTON. It would also exclude mental disabilities derived from injuries, from meningitis and from such other organic and infectious diseases as might have resulted in mental defects.

Doctor KOLB. Yes.

Mr. HUDDLESTON. You used, I believe, the expression, "poliomyelitis."

Doctor KOLB. Yes.

Mr. HUDDLESTON. That is infantile paralysis?

Doctor KOLB. Yes; which sometimes affects the brain in cases that recover.

Mr. HUDDLESTON. Then you have excluded all these other diseases in order to get rid of syphilitic cases.

Doctor KOLB. No. I think they should be excluded because we can definitely know about these cases. If you have poliomyelitis which is going to be followed by any insanity you will be insane within two or three weeks after you get through with it, and it will not develop two or three years later, because the infection has already begun and ended and the organic changes that will be caused by that disease are already caused and settled.

Mr. HUDDLESTON. I understood you to say that almost any organic disease might result in a change in the brain structure.

Doctor KOLB. Lots of infectious diseases are at times accompanied by an infection of the meninges of the brain with their special germ and some of those cases lead to psychic changes because of the injury done, but that comes on soon after the man recovers from his infectious disease and you soon know whether or not he has a psychosis or nervous disorder resulting from that special infection. So I do not think this exclusion here is going to work to the injury of the ex-service men.

Mr. HUDDLESTON. Now, the purpose in excluding syphilis applies, of course, only to syphilis which existed before the man went into the service or which he contracted while in the service. If he contracted it while in the service, it would have been "due to his own misconduct," and therefore he would not be compensable. If it was contracted before his service, there is a presumption established by this law that it originated in the service unless it was noted at the time of his enlistment.

Doctor KOLB. Yes.

Mr. HUDDLESTON. Therefore the law is intended to give compensation even to a case of paresis—

Doctor KOLB. Lots of them have received it.

Mr. HUDDLESTON (continuing). Which resulted from syphilis 20 years ago.

Doctor KOLB. Yes; lots of them have received it.

Mr. HUDDLESTON. And your idea is that they should be excluded.

Doctor KOLB. From the three-year provision here.

Mr. HUDDLESTON. And from the benefits of this act.

Doctor KOLB. Yes.

Mr. HUDDLESTON. Now, of course, it is entirely possible that a man's paresis may have been coming on him during these 20 years and may have been aggravated by the stress of his military service.

Doctor KOLB. That has happened, but the aggravation in the service would surely develop paresis within three years after the service.

Mr. HUDDLESTON. Of course, that is just the point; and where it does develop within three years, your proposal is to require the man who develops it to prove that it was caused by his service, which he manifestly can not do, so that the net effect of your proposal is to exclude a man who has a disability or mental defect which comes down to him through a period of years from a cause existing before he entered the service from compensation. That would be the net effect of your amendment.

Doctor KOLB. That would be the net effect of it, and I think it is just, because I think—in fact I am sure that the cases of paresis that develop now have no connection whatever with the service. That is the medical opinion, I believe, generally held.

Mr. HUDDLESTON. If it was 20 years ago, that gives a 20-year period in which it might run, at least, and if he had syphilis immediately before he entered the service and it was not noted, even 20 years hence he might develop paresis.

Doctor KOLB. Yes; that is very true. He had it in the service but I am giving a medical opinion that the service did not aggravate his syphilis and did not cause him to have the paresis. I am speaking of the justice of the thing.

Mr. HUDDLESTON. Any stress or injury or anything of that sort might tend to produce these results?

Doctor KOLB. Stresses and injuries producing paresis is a thing which is not so very generally accepted now, although medical men, as a rule, will cite circumstances where an injury on the head has lighted up a syphilitic infection and caused paresis, but, of course, that would follow soon after the injury. It is not a very common thing for paresis to be lighted up after a stress or injury. It is usually a slow evolution.

Mr. HUDDLESTON. If we merely want to get rid of syphilitic cases, we can exclude them by express language instead of including with them all these deserving and innocent cases such as you have referred to in the case of other diseases. In other words, in order to get rid of 90 per cent—I believe you used that expression—due to syphilis, there is no reason why we should kick out the other meritorious 10 per cent. We might just use the phrase "due to syphilitic infection," and that would exclude such cases.

Doctor KOLB. Yes. I think these others should be excluded because we can definitely put our hand on the cause and the date of origin in most of these psychoses due to the things mentioned here—an infectious disease or organic disease or injury. Mr. HUDDLESTON. Does "psychosis" include what might be called hereditary insanity?

Doctor KOLB. Yes; any form of insanity is included under psychosis.

Mr. HUDDLESTON. And insanity which might involve an organic change in the structure of the brain?

Doctor KOLB. That is also a cause of psychosis in medical terminology.

Mr. LEA. Doctor, how long have you been a practicing physician?

Doctor KOLB. I graduated in 1908.

Mr. LEA. From what institution were you graduated?

Doctor KOLB. University of Maryland.

Mr. LEA. And how many years experience have you had in nervous diseases.

Doctor KOLB. I have made a special study of nervous diseases since 1914.

Mr. LEA. And about how many cases of this character have been treated in the hospital with which you were connected?

Doctor KOLB. At Waukesha about 2,000 up to date. I have not the exact figures.

Mr. LEA. What was your position in the hospital?

Doctor KOLB. I was the medical officer in charge of the hospital.

Mr. DENISON. Doctor, I have just one question and I think you may have perhaps covered that somewhat hurriedly, although I am not sure. We are dealing now with a presumption, and, of course, in this particular paragraph of the bill are all the cases that would be excluded by this more definite statement in the pending bill of such a character that the doctor by examining the patient and knowing the history of the patient can tell with considerable definiteness whether it was or was not of service origin.

Doctor KOLB. Yes; that is right.

The CHAIRMAN. Doctor, are you connected with the Veterans' Bureau now?

Doctor KOLB. Not at the present time. I have been recalled from the Veterans' Bureau.

The CHAIRMAN. Doctor Lewis, of St. Elizabeths, is here, and if the committee will give him a proper audience and proper attention we might go on probably for a little while after 12 o'clock.

STATEMENT OF DR. NOLAN D. C. LEWIS, DIRECTOR OF CLINICAL PSYCHIATRY, OF ST. ELIZABETHS HOSPITAL, WASHINGTON, D. C.

Mr. DENISON. Doctor, would you mind telling us how long you have been connected with St. Elizabeths Hospital?

Doctor LEWIS. I have been connected with St. Elizabeths since 1918.

Mr. DENISON. How long have you been a practicing physician?

Doctor LEWIS. I have always been connected with a hospital for nervous and mental diseases. I have not practiced in private practice.

Mr. DENISON. I did not mean in private practice, but how long have you been connected either in an institution or otherwise with the observation and treatment of mental diseases?

Doctor LEWIS. Since 1914.

Mr. DENISON. In your position at St. Elizabeths has it been your duty to give special attention to nervous and mental diseases?

Doctor LEWIS. I direct the psychotherapeutic treatment for about 4,000 cases. Mr. DENISON. Are you familiar with the bill that is before us?

Doctor LEWIS. I have read certain portions of it that my attention has been directed to.

Mr. DENISON. The present law, Doctor, gives the ex-service man a presumption of service origin in cases of tuberculosis where it develops a 10 per cent disability and

cases included within the general term of neuropsychiatric disease for a period of two years.

Doctor LEWIS. Yes.

Mr. DENISON. This bill changes that and limits it to cases of psychosis, neurosis, and psychoneurosis not due to infectious disease nor to organic disease or injury. Is it your judgment that that phraseology would make the law, if it was adopted, more definite and more practical as a matter of administering the law and also more nearly just?

Doctor LEWIS. Yes, sir; I think it would.

Mr. DENISON. Now, let me ask you this question: It is represented to us here, and we so understand or at least I do, that this class of cases that would be included in the term "psychosis, neurosis, and psychoneurosis" that are not due to an infectious disease nor to organic disease or injury" are of such a character that their origin may not often be definitely ascertained, and for that reason we have in the present law established a conclusive presumption that if they manifest themselves within a period of two years we will presume that they were of service origin?

Doctor LEWIS. Yes.

Mr. DENISON. Is it your judgment, Doctor, that diseases of the character I have mentioned, namely, those that are included within the term "psychosis, neurosis and psychoneurosis" that are not due to an infectious disease or to an organic disease or injury—is it your judgment that they will manifest themselves ordinarily within a period of two years?

Doctor LEWIS. The psychosis, yes. Some of the psychoneuroses and neuroses, no. That is, for practical purposes the neuroses and psychoneuroses can be considered synonymous terms. Practically and legally there is probably very little difference. But the real difference indicated in the medical terminology is in the mechanism of the development of such disorder. As compared with the psychosis they are minor disorders but extremely disagreeable to the patient, and although the nucleus is very likely present before the individual gets into the service, his experience in the service—that is, often a very rapid or very severe change of environment—may activate the process which works insidiously for a while, and which is aggravated out of the service, by certain later experiences. Even after returning home there is an aggravation of the disorder so that in certain cases a psychoneurosis develops which had its origin in the service. That has been the case in some of the patients I have investigated.

Mr. DENISON. Are you as a physician, by examining a patient and by having information as to the history of his case, able to determine whether or not his trouble is of service origin?

Doctor LEWIS. Sometimes, and sometimes not. Usually by an investigation of the psychoneurotic patient, if it is done carefully and thoroughly enough, the origin—what we call the early development or early changes—can be determined; and almost always they occur very early in life. That is, a patient has developed a psychoneurosis which perhaps never would have developed if something producing stress had not occurred to actively excite it. And, of course, in many cases the service activities did excite this potentiality. I can not go so far as to say that certain individuals would develop a psychoneurosis any way, but, given a certain tendency, if great stress occurs in life a psychoneurosis will develop; and a great many individuals, under stress, do develop these conditions.

Mr. DENISON. If a doctor to whom one of these calls is reported is called in and ascertains the patient's life history—the history of his case, his experience, etc., and then tries to see what has developed, is it not possible for the physician very promptly to determine more or less thoroughly whether or not it was due to military service?

Doctor LEWIS. I think it is—to determine whether that is the exciting cause.

Mr. DENISON. We are dealing now in this law with the presumptions we are going to allow and we are trying to make definite the cases in which we allow presumptions, and we exclude from those cases of psychosis, neurosis and psychoneurosis that are due to infectious diseases or due to an organic disease. Is it true that in those cases that are excluded, that is, the cases that are due to organic or infectious diseases, the physician can tell whether or not they are due to service origin by examination of the case?

Doctor LEWIS. Not all cases. There are a few of those developments that can not be so determined. That is, something like you have already mentioned, as brain tumor.

Mr. DENISON. That is due to infectious disease, is it not?

Doctor LEWIS. No. The origin of the tumor is obscure. The tissue reaction is not well understood. They may occur very slowly, they may be aggravated by the service, or they may have developed since. When we are considering brain tumor it

may be that even under that one term we are considering half a dozen reactions—some actively growing tumors, some slowly growing tumors, and some that have come under certain subdivisions of classification. Some tumors we can tell something about; some we will have to have the brain after the man is dead in order to tell anything about its growth—whether it has been rapid or slow, etc. There is a group of cases where it is impossible to determine whether it occurred in the service or later, or before, with any degree of accuracy.

Mr. DENISON. If a man has a case that would be included in the terms neurosis, psychosis, or psychoneurosis which is due to infectious disease or due to organic disease or injury, can the doctor tell it when he examines the history of his life?

Doctor LEWIS. Yes; when they have an adequate history they can tell with a certain degree of accuracy whether it is infectious by examining the patient, and so on.

Mr. DENISON. That can be determined by the examining physician?

Doctor LEWIS. Yes, sir.

Mr. DENISON. Of course, if he is dead they can tell by examining him?

Doctor LEWIS. Yes, sir.

Mr. NEWTON. We all want to take care of the man who has a disability that is of service origin. The difference of opinion arises that we do not want to go beyond that. Here is a man who has a mental trouble embodied in this terminology here not arising from infectious disease and not arising from any organic change. He went into the service. Two years have elapsed. Some time in the third year he develops this trouble. Personally I would like to know whether there is any fair possibility that a case of that kind could really be attributed to the service where it does not manifest itself to anybody within the two-year period?

Doctor LEWIS. There are a few of that sort of cases, but they are rather infrequent.

Mr. NEWTON. Can you give us any idea of the percentage compared to the whole number?

Doctor LEWIS. I can not give you any figures, but I have certain cases in mind that have been investigated where I have seen that element.

Mr. NEWTON. You can get the viewpoint of the committee and of Congress. We do not want to take care of any considerable number of men who can not trace their trouble to the service and where it is not attributable to the service in order to take care of one man who may attribute his trouble to service—a practical proposition. Can you throw any light on that?

Doctor LEWIS. These cases are extremely few in number. That is, where there has been a lapse of two years and there has been no indication for the patient to consult a psychiatrist.

Mr. NEWTON. Here is a case where a man has been suffering for two years and the third year he goes to a doctor and he diagnoses the case as psychosis, with no organic change. Say it is precox, or the man that was in the service sees some of his friends. They go back to his discharge, or back to where he was employed, his friends and associates, and he says whether there were any outward signs of any outward signs of insanity during the two-year period, and they show absolutely nothing. We want to find out whether that being the case, the trouble arising in the third year, that man really should be cared for, taking into consideration that if we give them the benefit of the presumption we have got to take care of all the others?

Doctor LEWIS. Considering the psychoses in those rather definite mentally profound disorders I would say no. There are a few types of cases you could not rule out and they are the type of individuals who, from the time of service, do not complain to any one but who have some ill health, some periods of anxiety, palpitation of the heart, frightful dreams, and who go on for a few years and finally burst out into a psychoneurosis. There are a few of those individuals, but not many of them.

Mr. DENISON. I was going to say in those kinds of cases does not a man generally complain to his friends or manifest his condition to his friends so that they or some one may know about it?

Doctor LEWIS. Sometimes not.

Mr. DENISON. Is it your experience that a man who has had that disorder will not let any one know anything about it, especially, if he is a man that knows by having that kind of disease he will be entitled to compensation from the Government and vocational training, etc.? Do you think ordinarily a man of that kind will not let it be known to somebody within two years?

Doctor LEWIS. Sometimes, there are those who will not. They have a fear of being considered to be mentally disordered. I have known of some who have had that experience. They will not tell anyone of these frightful neurotic indications. They feel that if they do tell anyone they will be considered mentally diseased.

Mr. NEWTON. Those are comparatively few individuals?

Doctor LEWIS. I have seen three or four within the past two years.

Mr. NEWTON. Out of how many?

Doctor LEWIS. I have seen but a few out of a good many cases—out of 200 or 300 cases. There are not many but you can see there are a few. Generally speaking two years is sufficient for the extension of time from service.

Mr. HUDDLESTON. I have some questions but I have not the time to ask them and I make the point that the House is in session.

The CHAIRMAN. Very well. Hereafter the committee will be governed accordingly.

We are very much obliged to you gentlemen and sorry that we can not call you now. (Thereupon, at 12.20 o'clock p. m., the committee adjourned to Wednesday, February 14, at 10 o'clock a. m.)

END OF
TITLE